

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,488, 23 ta' Ottubru, 2015
Taqsimha C

Nru. 124

23. 10. 2015

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Owen Bonnici, M.P., Ministru għall-Ġustizzja, Kultura u Gvern Lokali, u moqri għall-Ewwel darba fis-Seduta tat-13 ta' Ottubru, 2015.

A BILL introduced by the Honourable Owen Bonnici, M.P., Minister for Justice, Culture and Local Government, and read the First time at the Sitting of the 13th October, 2015.

ATT biex jemenda diversi ligijiet li jirrigwardaw ir-riforma tal-ġustizzja fil-qasam tal-proċedura ċivili.

AN ACT to amend various laws relating to justice reform in the sphere of civil procedure.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex jemenda diversi liġijiet li jirrigwardaw ir-riforma tal-gustizzja fil-qasam tal-proċedura ċivili.

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

1. (1) It-titolu fil-qosor ta' dan l-Att huwa Att tal-2015 li jemenda Diversi Liġijiet (Riforma tal-Ġustizzja) (Proċedura Ċivili). Titolu fil-qosor u bidu fis-seħh.

(2) Dan l-Att għandu jidhlo fis-seħh f'dik id-data li l-Ministru responsabbli għall-Ġustizzja jista' jstabbilixxi b'avviż fil-Gazzetta, u jistgħu jigu hekk stabbiliti dati differenti għal għanijiet differenti u għal dispozzjonijiet differenti ta' dan l-Att.

TAQSIMA I

2. Din it-Taqsima temenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u għandha tinqara u tinftiehem haġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-Kodiċi". Emendi għall-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kap. 12.

3. Fis-subartikolu (1) tal-artikolu 47 tal-Kodiċi, minflok il-kliem "ħdax-il elf sitt mija u sitta u erbgħin euro u sebgħa u tmenin ċenteżmu (11,646.87)" għandhom jidhlu l-kliem "ħmistax-il elf euro (€15,000)". Emenda tal-artikolu 47 tal-Kodiċi.

4. Fis-sibartikolu (1) tal-artikolu 152 tal-Kodiċi minflok il-kliem "mhux aktar tard minn sitt xhur" għandhom jidhlu l-kliem "mhux aktar tard minn tliet xhur". Emenda tal-artikolu 152A tal-Kodiċi.

C 1686

Emenda tal-
artikolu 166A
tal-Kodiċi.**5.** L-artikolu 166A tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "tlieta u għoxrin elf u mitejn u tlieta u disgħin euro u tlieta u sebgħin ċenteżmu (23,293.73)" għandhom jidhlu l-kliem "ħamsa u għoxrin elf euro (€25,000)"; u

(b) fl-ewwel proviso għas-subartikolu (1) tiegħu, minflok il-kliem "ammont li ma jeċċedix tlieta u għoxrin elf u mitejn u tlieta u disgħin euro u tlieta u sebgħin ċenteżmu (23,293.73)" għandhom jidhlu l-kliem "ħamsa u għoxrin elf euro (€25,000)"; u minflok il-kliem "dik is-somma ta' tlieta u għoxrin elf u mitejn u tlieta u disgħin euro u tlieta u sebgħin ċenteżmu (23,293.73)" għandhom jidhlu l-kliem "dik is-somma ta' ħamsa u għoxrin elf euro (€25,000)".

Emenda tal-
artikolu 175 tal-
Kodiċi.**6.** Fis-subartikolu (2) tal-artikolu 175 tal-Kodiċi minflok il-kliem "tas-sentenza appellata." għandhom jidhlu l-kliem "tas-sentenza appellata:", u minnufih wara għandhom jizjeddu l-*provisos* godda li ġejjin:

"Izda kull qorti fi grad ta' appell tista' tordna wkoll korrezzjonijiet fis-sentenza tal-qorti tal-ewwel istanza u korrezzjonijiet oħra li l-qorti fi grad ta' appell tqis li huma ġustifikati fl-atti ġudizzjarji fi kwalunkwe stagju tal-proċeduri fl-appell sa meta l-appell jithalla għas-sentenza, fuq talba ta' xi waħda mill-partijiet, u wara li tagħti lill-partijiet l-opportunità li jinstemgħu:

Izda wkoll qorti fi grad ta' appell tista' tordna wkoll korrezzjonijiet f'sentenza li tkun ingħatat minnha wara li jkun sar rikors prezentat minn waħda mill-partijiet fi żmien tletin ġurnata mid- data tas-sentenza."

Emenda tal-
artikolu 187 tal-
Kodiċi.**7.** Is-subartikolu (1) tal-artikolu 187, izda mhux inklużi l-*provisos* tiegħu, tal-Kodiċi għandu jiġi sostitwit b'dan li ġej:

"(1) In-notifika ssir bil-kunsinna ta' kopja tal-iskrittura lill-persuna li lilha l-iskrittura għandha tkun innotifikata, kull fejn dik il-persuna tista' tinstab. In-notifika tista' wkoll issir billi dik il-kopja tithalla fil-lok fejn toqgħod jew taħdem jew fil-post tax-xogħol jew fl-indirizz postali ta' dik il-persuna f'idejn membru tal-familja jew tad-dar jew f'idejn wiehed fis-servizz ta' dik il-persuna jew f'idejn il-prokuratur tagħha jew persuna awtorizzata minnha biex tirċievi l-posta tagħha. Jekk in-notifika ma ssirx fl-ewwel tentattiv, l-uffiċjal inkarigat min-notifika għandu jagħmel żewġ tentattivi oħra biex jinnotifika l-kopja tal-iskrittura mingħajr ebda awtorizzazzjonijiet oħra mill-

qorti u dawn it-tentattivi għandhom isiru f'ħinijiet differenti tal-gurnata bl-aħħar tentattiv ta' notifika jsir wara l-ħinijiet għudizzjarji. Kull tentattiv ta' notifika għandu jsir wara li jiġihallas id-dritt xieraq dovut lir-registru. L-uffiċjal inkarigat min-notifika għandu jirregistra ċertifikat separat ta' notifika fl-atti għudizzjarji għal kull tentattiv li jkun sar:";

8. Minnufif wara l-artikolu 187 tal-Kodiċi għandu jiżdied l-artikolu ġdid li ġej:

Zjieda ta' artikolu ġdid mal-Kodiċi.

"Aċċessibbiltà għar-registru elettoral i f'format elettroniku.

187A. (1) Il-Kummissarju Elettorali Ewlieni għandu jippermetti l-aċċess *online* u mingħajr hlas tar-registru elettoral i għall-elezzjonijiet ġenerali lir-registri tal-qorti li minnhom il-qrati, l-uffiċjali tal-qorti, avukati u prokuraturi legali jistgħu jkollhom aċċess għad-*data* li tinsab fl-imsemmi registru għal finijiet li għandhom x'jaqsmu man-notifika ta' atti għudizzjarji.

(2) Ir-Registratur tal-Kumpanniji għandu jippermetti l-aċċess, *online* u mingħajr hlas fir-Registru tal-Qorti, għal dik id-*data* li għandha x'taqsam ma' kumpanniji li tkun meħtieġa għan-notifika ta' atti għudizzjarji lil daw k il-kumpanniji, li l-qrati, l-uffiċjali tal-qorti, avukati u prokuraturi legali jkollhom aċċess għaliha.

9. Minnufih wara s-subartikolu (6) tal-artikolu 195 tal-Kodiċi għandu jiżdied is-subartikolu ġdid li ġej:

Emenda tal-artikolu 195 tal-Kodiċi.

"(7) Meta, wara li s-sottomissjonijiet bil-miktub jitqiesu li ġew konklużi, il-Qorti tal-Appell jidhrilha li appell hu frivolu u vessatorju, il-Qorti tal-Appell tista' tiċhad l-appell fil-qorti bil-miftuħ fil-gurnata ffissata għall-ewwel smigh."

10. Fil-paragrafu (b) tal-artikolu 207 tal-Kodiċi minflok il-kliem "fl-artikolu 204(1)." għandhom jidhlu l-kliem "fl-artikolu 204(1):", u minnufih wara għandu jiżdied il-proviso ġdid għall-artikolu shih:

Emenda tal-artikolu 207 tal-Kodiċi.

"Izda fil-każ tal-paragrafi (a) u (b), jekk il-partijiet, fi zmien tletin gurnata wara li s-sottomissjonijiet bil-miktub jitqiesu li ġew konklużi, jipprezentaw fir-registru nota kongunta li fiha jiddikjaraw li ma għandhom l-ebda sottomissjonijiet verbali jew bil-miktub x'jagħmlu, il-qorti tal-appell tista' thalli l-kawża għas-sentenza f'data li ma tkunx aktar tard minn sitt xhur mill-prezentata tan-nota."

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Emenda tal-artikolu 209 tal-Kodiċi.

11. Is-subartikolu (1) tal-artikolu 209, iżda mhux inklużi l-*provisos* tiegħu, tal-Kodiċi għandu jiġi sostitwit b'dan li ġej:

"(1) Il-Qorti tal-Appell għandha, fi żmien tliet xhur mill-preżentata tal-appell, tappunta għas-smiġh daww il-kawżi fejn ma tkunx giet depożitata l-garanzija għall-ispejjeż kif previst fl-artikolu 249 u jekk jinstab li sad-data tas-smiġh ma tkunx saret il-garanzija għall-ispejjeż tal-kawża kif previst fl-artikolu 249, il-qorti għandha minnufih tghaddi biex tiddikjara l-appell deżert:".

Emenda tal-artikolu 249 tal-Kodiċi.

12. Is-subartikolu (1) tal-artikolu 249 tal-Kodiċi għandu jiġi sostitwit b'dan li ġej:

"(1) Mingħajr hsara għad-disposizzjonijiet tal-proviso li hemm mal-artikolu 209(1), u sakemm ma jiġix provdut mod ieħor f'xi liġi oħra, fil-każ ta' appell minn sentenzi jew digrieti mogħtija f'kawża mibdija b'rikors ġuramentat, il-garanzija għall-ispejjeż għandha ssir u tiġi depożitata fil-qorti fi żmien tletin ġurnata mid-data tan-notifika tal-ammont li għandu jiġi depożitat jew, jekk l-appell għandu jinstama' qabel tletin ġurnata min-notifika hawn imsemmija, mhux aktar tard minn jumejn mid-data stabbilita għas-smiġh ta' dak l-appell.".

Emenda tal-artikolu 253 tal-Kodiċi.

13. Fil-paragrafu (ċ) tal-artikolu 253 tal-Kodiċi minflok il-kliem "tar-Registratur Qrati Ċivili u Tribunali" għandhom jidhlu l-kliem "tar-Registratur".

Emenda tal-artikolu 258 tal-Kodiċi.

14. L-artikolu 258 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fil-paragrafu (a) l-għeluq ta' għaxar snin" għandhom jidhlu l-kliem "l-għeluq ta' hmistax-il sena";

(b) fil-paragrafu (b) tiegħu, minflok il-kliem "l-għeluq ta' hames snin" għandhom jidhlu l-kliem "l-għeluq ta' għaxar snin"; u

(ċ) fil-paragrafu (ċ) tiegħu, minflok il-kliem "l-għeluq ta' tliet snin" għandhom jidhlu l-kliem "l-għeluq ta' hames snin".

Emenda tal-artikolu 310 tal-Kodiċi.

15. Is-subartikolu (1) tal-artikolu 310 tal-Kodiċi għandiu jiġi sostitwit b'dan li ġej:

"(1) Fl-istima ta' immobbli, l-esperti għandhom jinkludu deskrizzjoni tal-fond u jfissru l-piżijiet, kirjiet u jeddijiet oħra sew reali kemm personali, jekk ikun hemm, li għalihom dan il-fond ikun sugġett, kif ukoll l-aħhar trasferiment tiegħu, skont l-

informazzjoni li jkunu hađu mill-kreditur jew mid-debitur u din id-deskrizzjoni għandu jkun fiha dan li ġej:

- (a) indikazzjoni tas-sit u l-għoli tal-fond li hu soġġett għall-bejgħ bl-irkant fil-qorti;
- (b) pjanta jew skizz li juru l-għadd ta' kmamar li jiffurmaw il-fond u d-daqs tagħhom;
- (c) rapport dwar jekk il-fond ġiex mibni skont permessi tal-bini u regoli sanitarji;
- (d) kopja tal-att tal-akkwist; u
- (e) dikjarazzjoni dwar jekk il-fond hu abitat jew okkupat minn terzi, u taht liema titolu hu hekk okkupat:

Izda jekk l-inkwilin, meta mitlub mill-espert biex jagħti l-informazzjoni msemmija fil-paragrafu (e), jonqos milli jagħmel dan, l-espert għandu jinkludi fir-rapport tiegħu dikjarazzjoni dwar dan in-nuqqas:

Izda wkoll jekk il-Qorti tkun sodisfatta li l-inkwilin naqas milli jagħti l-informazzjoni msemmija fl-ewwel proviso mingħajr raġuni valida, il-Qorti tista' ssib l-inkwilin hați ta' disprezz tal-qorti u meta jinsab hați jehel piena li tikkonsisti f' multa ta' mhux inqas minn mitejn euro (€200) u mhux iżjed minn elf euro (€1,000).".

16. L-artikolu 313 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 313 tal-Kodiċi.

- (a) id-dispożizzjoni preżenti għandha tiġi enumerata mill-ġdid bħala s-subartikolu (1); u
- (b) minnufih wara s-subartikolu (1) tiegħu, kif enumerat mill-ġdid, għandu jizdied is-subartikolu ġdid li ġej:

"(2) Ir-reklam dwar bejgħ bl-irkant fil-qorti għandu jkun fih:

- (a) indikazzjoni tar-referenza tal-qorti tal-bejgħ bl-irkant fil-qorti;
- (b) l-ismijiet tal-partijiet fih u n-numri tal-karta tal-identità jew ta' xi dokument ieħor ta' identità jekk disponibbli;
- (c) indikazzjoni ċara tal-fond li ser

jinbiegħ;

(d) il-valur ta' kull fond, meta l-istima tkun saret skont il-liġi; und

(e) id-data, hin u post li fihom ser isir il-bejgħ bl-irkant fil-qorti."

Emenda tal-artikolu 354 tal-Kodiċi.

17. Fis-subartikolu (2) tal-artikolu 354 tal-Kodiċi, minflok il-kliem "hdax-il elf u sitt mitt euro" għandhom jidhlu l-kliem "hmistax-il elf euro (€15,000).".

Emenda tal-artikolu 356 tal-Kodiċi.

18. Is-subartikolu (6) tal-artikolu 356 tal-Kodiċi għandu jiġi sostitwit b'dan li ġej:

"(6) Il-kredituri li jkollhom l-azzjoni tagħhom preskritta skont id-dispożizzjonijiet ta' dan l-artikolu ma jkollhom ebda jedd kontra t-terza persuna li tkun akkwistat il-pussess tal-ħaġa immobbli b'rizultat tal-bejgħ fl-irkant ġdid fil-qorti li jsir taht id-disposizzjonijiet imsemmija. Ir-Registratur għandu jdaħħal nota ta' referenza ma' kull ipoteka li l-effett tagħha jkun ġie preskritt skont id-dispożizzjonijiet ta' dan l-artikolu."

19. Fl-artikolu 357 tal-Kodiċi, minflok il-kliem "fi żmien erba' xhur" għandhom jidhlu l-kliem "fi żmien sena".

Żieda ta' artikolu ġdid mal-Kodiċi.

20. Minnufih wara l-artikolu 357 tal-Kodiċi, għandu jidher l-artikolu ġdid li ġej:

"Azzjoni biex jiġi annullat jew rexiss bejgħ bl-irkant fil-qorti.

357A. L-ebda azzjoni biex jiġi annullat jew rexiss bejgħ bl-irkant fil-qorti ta' immobbli ma tista' tiġi preżentata jew milqugħa sakemm dik l-azzjoni ma tiġix preżentata qabel ma jgħaddu sitt xhur mid-data meta tkun saret fir-Registru Pubbliku l-iskrizzjoni tal-liberazzjoni tal-proprjetà immobbli."

21. L-artikolu 527 tal-Kodiċi għandu jiġi sostitwi b'dan li ġej:

Sostituzzjoni tal-artikolu 527 tal-Kodiċi.

"Avviż li jkun fih l-kondizzjonijiet tal-inabilitazzjoni għandu jiġi ppubblikat fil-Gazzetta.

527. (1) Il-qorti għandha, fid-digriet ta' interdizzjoni jew ta' inabilitazzjoni, tordna li jiġi ppubblikat, fil-Gazzetta, avviż dwar l-interdizzjoni jew l-inabilitazzjoni u li jkun fih il-kondizzjonijiet tal-inibizzjoni:

Izda l-Qorti għandha tordna li d-digriet għandu jintbagħat lill-Arkivista tal-Atti Nutarili li għabdu jdahhal nota dwar dik l-interdizzjoni jew l-inabilitazzjoni fi ktieb miżmum għal dan il-għan.

Registru f'format elettroniku.

(2) Ir-registratur għandu jżomm Registru tal-Persuni Interdetti u Inabilitati uffiċjali f'format elettroniku. Dak ir-registru għandu jinżamm kontinwament aġġornat mir-registratur. Ir-registru għandu jinżamm f'verżjoni elettronika u jkun aċċessibbli għal avukati, nutara u prokuraturi legali u għal dawk il-persuni l-oħra kif il-Ministru jista', permmezz ta' regolamenti, isemmi.

(3) Ir-registru għandu jkun maqsim f'żewġ taqsimiet. L-ewwel taqsima jkun fiha lista ta' persuni interdetti u t-tieni taqsima jkun fiha lista ta' persuni inabilitati. Kull taqsima tar-registru għandha tinżamm f'ordni alfabetiku.

(4) Ir-registratur għandu jniżżel fir-registru l-isem, il-kunjom, isem il-missier, il-lok tat-twelid, u ta' dak fejn toqgħod u referenza għal numru ta' dokument ta' identità legalment validu tal-persuna interdetta jew inabilitata u sunt tad-digriet tal-interdizzjoni jew inabilitazzjoni:

Izda l-każijiet li ġejjin għandhom jiġu esklużi mir-registru:

(a) fejn ikunu għaddew aktar minn tmenin sena mid-data tad-digriet;

(b) fejn il-persuna li kieku kienet tkun laħqet l-età ta' mija u għaxar snin;

(c) fejn id-digriet ikun gie revokat skont id-dispożizzjonijiet tal-artikolu 526; u

(d) fejn il-persuna interdetta jew inabilitata tkun mietet.

(5) Ir-registratur għandu qabel l-aħhar tax-xahar ta' Jannar ta' kull sena jiehu ħsieb li tiġi pubblikata fil-Gazzetta lista li turi f'ordni alfabetiku l-ismijiet u l-kunjomijiet tal-persuni li jidhru fir-reġistru miżmum skont is-subartikolu (4), flimkien mal-isem tal-missier, il-post tat-twelid u n-numru ta' dokument ta' identifikazzjoni legalment validu ta' dawk il-persuni u d-data tad-digriet tal-interdizzjoni jew tal-inabilitazzjoni."

Żieda ta' artikolu ġdid mal-Kodiċi.

22. Minnufih wara l-artikolu 732 tal-Kodiċi, għandu jiżdied l-artikolu ġdid li ġejj:

"Eċċezzjonijiet *ex officio* mogħtija mill-qorti.

732A. Mingħajr hsara għad-dispożizzjonijiet ta' kull liġi oħra, fil-każijiet fejn il-liġi tippermetti lill-qorti li *ex officio* tagħti eċċezzjoni mingħajr ma tagħti dik l-eċċezzjoni qabel ma l-kawża tithalla għas-sentenza, mingħajr ma tippermetti lill-partijiet li jieħdu konjizzjoni ta' dik l-eċċezzjoni qabel ma tingħata s-sentenza, u mingħajr ma l-partijiet ikunu jistgħu jipproduċu provi jew jagħmlu sottomissjonijiet dwar l-eċċezzjoni, il-qorti m'għandhiex tagħti dik l-eċċezzjoni fis-sentenza tagħha iżda għanha tagħti dik l-eċċezzjoni fil-qorti bil-miftuħ jew permezz ta' digriet *in camera* u l-partijiet ikunu jistgħu jipproduċu provi u jagħmlu sottomissjonijiet verbali dwar l-eċċezzjoni qabel ma tingħata s-sentenza dwar l-eċċezzjoni mogħtija mill-qorti."

Emenda tal-artikolu 741 tal-Kodiċi.

23. Fil-paragrafu (b) tal-artikolu 741 tal-Kodiċi, minflok il-kliem "tieħu konjizzjoni tagħha;" għandhom jidhlu l-kliem "tieħu konjizzjoni tagħha:"; u minnufih wara għandhom jiżdiedu l-*provisos* godda li ġejjin:

"Izda jekk il-qorti tikkunsidra li l-eċċezzjoni hi ġustifikata, il-qorti għandha, permezz ta' digriet *in camera*, li ma jkunx appellabbli, tordna li l-atti tal-proċeduri jiġu trasferiti lill-qorti, bord jew tribunal li l-qorti tikkunsidra li għandhom jieħdu konjizzjoni ta' dik il-kawża:

Izda wkoll jekk il-qorti, bord jew tribunal li lilhom ikunu ġew trasferiti l-atti tal-proċeduri jikkunsidraw li ma għandhomx ġurisdizzjoni biex jieħdu konjizzjoni tal-kawża lilhom trasferita, il-qorti, bord jew triibunal ieħor għandhom, fi żmien għaxart ijiem minn meta jkunu rċevew l-atti tal-proċeduri jew minn

meta jkun sar l-ewwel smiġ quddiemhom, jibagħtu l-atti tal-proċeduri lill-qorti tal-appell li hi kompetenti li tiegħu konjizzjoni ta' appelli minn sentenzi tal-qorti, bord jew tribunal ieħor, liema qorti għandha, fi żmien tletin ġurnata u permezz ta' digriet *in camera*, tiddeċiedi liema qorti, bord jew tribunal ieħor għandhom jieħdu konjizzjoni tal-kawża;"

24. L-artikolu 874 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 874 tal-Kodiċi.

(a) fis-subartikolu (2) tiegħu, minnufih wara l-kliem "b'referenza għad-data ġeografika inkwistjoni." għandhom jiżdiedu l-kliem "Meta r-rikors jirreferi għal proprjetà immobbli speċifika għandu wkoll ikollu meħmuż miegħu abbozz shiħ tan-nota ta' iskrizzjoni biex tiġi registrata fir-Registru Pubbliku.";

(b) fis-subartikolu (3) tiegħu, minflok il-kliem "nutar pubbliku, maħtur mill-Qorti għal dan il-għan" għandhom jidhlu l-kliem "ir-Registratur"; u

(ċ) minnufih wara s-subartikolu (6) tiegħu, għandu jiżdied is-subartikolu ġdid li ġej:

"(7) Ma tista' tittiehed ebda azzjoni kontra r-Registratur għal nuqqas ta' osservanza ta' xi waħda mid-dispożizzjonijiet ta' dan l-artikolu hliet fuq il-bażi ta' atti volontarji magħmula b'*mala fede* jew b'negligenza gravi."

25. Is-subartikolu (3) tal-artikolu 875 tal-Kodiċi għandu jiġi sostitwit b'dan li ġej:

Emenda tal-artikolu 875 tal-Kodiċi.

"(3) Il-qorti għandha tappunta r-rikors għas-smiġ mhux aktar tard minn xahar mill-ġurnata li fiha jkun ġie preżentat u maħluf il-mandat u l-partijiet ġew debitament notifikati u għandha tiddeċiedi fl-istess jum dwar il-merti tar-rikors permezz ta' digriet fl-atti tal-proċeduri."

TAQSIMA II

26. Din it-Taqsima temenda l-Kodiċi Ċivili, u għandha tinqara u tinftiehem haġa waħda mal-Kodiċi Ċivili, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-Kodiċi".

Emendi għall-Kodiċi Ċivili. Kap. 16.

27. Is-subartikolu (2) tal-artikolu 1857 tal-Kodiċi għandu jiġi sostitwit b'dan li ġej:

Emenda tal-artikolu 1857 tal-Kodiċi.

"(2) Soġġett għal kull dispożizzjoni speċjali oħra tal-liġi u bla ħsara għall-effetti legali ta' xi sitwazzjoni bħal impjeg jew relazzjoni professjonali fejn mandat hu deducibbli miċ-

ċirkostanzi, mandat jista' jingħata b'att pubbliku, b'kitba privata, jew verbalment:

Iżda mandat jista' jingħata verbalment għal atti ordinarji ta' amministrazzjoni biss."

Emenda tal-artikolu 1858 tal-Kodiċi.

28. Fl-artikolu 1858 tal-Kodiċi, minflok il-kliem "tista' wkoll tkun taċita u tista' tidher mill-fatt" għandhom jidhu l-kliem "ma tistax tkun taċita iżda għandha tkun espliċita."

Sostituzzjoni tal-artikolu 1860 tal-Kodiċi.

29. L-artikolu 1860 tal-Kodiċi għandu jiġi sostitwit b'dan li ġej:

"Reġistru Personali.

1860. (1) Meta l-mandat jingħata b'att pubbliku jew b'kitba privata, l-isem, il-kunjom, l-indirizz u n-numru ta' dokument ta' identifikazzjoni legalment validu tal-mandant u tal-mandatarju għandhom jiddaħħlu f'ordni alfabetiku fir-Reġistru Personali elettroniku li jinżamm mid-Direttur tar-Reġistru Pubbliku.

(2) Tali reġistrazzjoni għandha tapplika kemm għal mandati generali kif ukoll speċjali.

(3) Ir-Reġistru Personali għandu jinżamm f'verzjoni elettronika u għandu jkun aċċessibbli għal avukati, nutara u prokuraturi legali.

(4) Ir-reġistrazzjoni ta' mandat u kull revoka ta' mandat jew rinunzja għal mandat min-naħa tal-mandatarju magħmula b'att pubbliku għandha tiġi iskritta fi żmien ħmistax-il ġurnata tax-xogħol fir-Reġistru Pubbliku min-Nutar li jhejji l-att pubbliku biex tiġi reġistrata mid-Direttur tar-Reġistru Pubbliku fir-Reġistru Personali. Dik ir-reġistrazzjoni, revoka jew rinunzja għandu jkollha effett fir-rigward ta' terzi fid-data tar-reġistrazzjoni tagħha fir-Reġistru:

Iżda jekk il-mandat jingħata bi skrittura privata jew verbalment, il-persuna li tagħti dak il-mandat tista', fi żmien għoxrin ġurnata, tibgħat il-formula li tirreferi għall-għoti tal-mandat lir-Reġistru Pubbliku biex tiġi reġistrata fir-Reġistru Personali mid-Direttur tar-Reġistru Pubbliku:

Iżda wkoll il-mandat jista' jiġi revokat jew rinunzjat biss fl-istess formula li biha kien inħoloq:

Iżda wkoll mandat ma għandux jiġi mibdul u modifiki għall-mandat għandhom isiru bil-kancellament tal-mandat u l-ghoti ta' mandat ġdid.

(5) Meta mandat jingħata b'att pubbliku, bi skrittura privata jew verbalment u meta ssir xi rinunzja jew revoka tiegħu skont is-subregolament (4), kopja tal-mandat, tar-revoka jew tar-rinunzja, kif ikun il-każ, għandha tingħata mill-mandatarju lid-Direttur. Id-Direttur għandu jirreġistra l-mandat fir-*records* tiegħu u għandu jieħu konjizzjoni tad-dettalji tal-mandant, tal-mandatarju u tal-mandat jew revoka jew rinunzja magħmula għall-mandat. Il-mandant ikun obligat jinforma lid-Direttur jew persuna oħra dwar ir-revoka tiegħu jew dwar ir-rinunzja għall-mandat mill-mandatarju.

(6) Il-htigiet ta' dan l-artikolu u tar-registrazzjoni ta' mandati ma japplikawx meta mandat ma jawtorizzax lill-mandatarju li jittrasferixxi drittijiet fuq proprjetà immobbli tal-mandant jew li jiġbed jew jirċievi xi fondi li jeċċedu elf euro (€1,000) f'isem il-mandant. F'dawn il-kazijiet ir-registrazzjoni tal-mandat jew ir-revoka tiegħu tista' ssir jew mill-mandant jew mill-mandatarju."

30. Fis-subartikolu (2) tal-artikolu 1863 tal-Kodiċi minflok il-kliem "għandha tkun espressa" għandhom jidhlu l-kliem "għandha tkun espressa bil-miktub, u iskritta u, jew registrata fir-Registru Pubbliku fi żmien ħmistax-il-ġurnata tax-xogħol".

Emenda tal-artikolu 1863 tal-Kodiċi.

31. Il-paragrafu (ċ) tas-subartikolu (3) tal-artikolu 1870 tal-Kodiċi għandu jithassar.

Emenda tal-artikolu 1870 tal-Kodiċi.

32. Minnufih wara s-subartikolu (4) tal-artikolu 1887 tal-Kodiċi, għandhom jizdiedu s-subartikoli ġodda li ġejjin:

Emenda tal-artikolu 1877 tal-Kodiċi.

"(5) Ir-revoka tkun valida meta tiġi registrata fir-Registru Pubbliku biss.

(6) Minkejja d-dispożizzjonijiet ta' xi liġi oħra, il-mandati kollha jibqgħu validi għal perjodu ta' hames snin biss mid-data ta' meta jingħata l-mandat jew għal dak il-perjodu itwal kif jista' jiġi dikjarat fil-mandat."

Żieda ta' artikolu ġdid mal-Kodiċi.

33. Minnufih wara l-artikolu 1890 tal-Kodiċi, għandhom jiżdiedu l-artikoli ġodda li ġejjin:

"Dmirijiet ta' nutara fir-rigward tar-reġistrazzjoni ta' mandati.

1890A. (1) Meta mandat, revoka tiegħu jew rinunzja għalih jingħataw jew isiru permezz ta' att pubbliku, in-nutar li jirċievi l-att pubbliku għandu jara li ssir ir-reġistrazzjoni ta' dak l-att pubbliku skont id-dispożizzjonijiet ta' qabel ta' dan it-Titolu.

(2) Nutar Pubbliku li jikser id-dispożizzjonijiet tas-subartikolu (1) jeħel id-danni favur il-persuna interessata, u jkun soġġett għal multa li ma tkunx aktar minn elf euro (€1,000) li għandha tiġi imposta mill-Qorti ta' Revizjoni tal-Atti Nutarili jew fuq inizjattiva tagħha stess jew fuq talba ta' kull parti interessata.

Reġistrazzjoni ta' mandati mogħtija jew permezz ta' skrittura privata jew verbalment.

1890B. Meta mandat, revoka tiegħu jew rinunzja għalih jingħataw jew isiru permezz ta' skrittura privata jew verbalment, il-persuna li tagħti l-mandat tista' timla' l-formula li l-Ministru jista', permezz ta' regolamenti, jistabbilixxi, u tibgħat dik il-formula lir-Registru Pubbliku sabiex il-mandat jiġi registrat:

Iżda jekk il-mandat jirreferi għal kontijiet tal-bank, kopja tal-formula msemmija f'dan l-artikolu għandha imbagħad tiġi sottomessa lill-istituzzjoni bankarja mill-persuna li tagħti l-mandat."

Dispożizzjonijiet transitorji.

34. (1) Bla hsara għad-dispożizzjonijiet tas-subartikolu (2), il-mandati kollha, hliief mandati li jawtorizzaw persuna biex tmexxi proċeduri ġudizzjarji li jkunu diġà nbdew fid-data ta' meta tiġi fis-seħħ din it-Taqsima, li huma fis-seħħ meta tiġi fis-seħħ din it-Taqsima, għandhom jitqiesu validi għal perjodu ta' hames snin mid-data tal-bidu fis-seħħ ta' din it-Taqsima u għandhom jiġu iskritti jew reġistrati fir-Registru Pubbliku skont l-artikolu 1863(2) sa mhux aħtar tard mill-31 ta' Diċembru 2016.

(2) Id-dispożizzjonijiet tas-subartikolu (1) m'għandhomx japplikaw għal mandati li kienu ġew reġistrati fir-Registru Pubbliku skont l-artikolu 1870(3)(ċ) tal-Kodiċi Ċivili.

Taqsimha III

35. Din it-Taqsimha temenda l-Att dwar Tribunal għal Talbiet Żgħar, u għandha tinqara u tinftiehem haġa waħda mal-Att dwar Tribunal għal Talbiet Żgħar, hawn iżjed 'il quddiem f'din it-Taqsimha msejjaħ "l-Att prinċipali".

Emendi għall-Att dwar Tribunal għal Talbiet Żgħar. Kap. 380.

36. L-artikolu 3 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 3 tal-Att prinċipali.

(a) fis-subartikolu (2) tiegħu, minflok il-kliem "tliet elef u erba' mija u erbgħa u disgħin euro u sitt ċenteżmi (3,494.06)" għandhom jidhlu l-kliem "ħamest elef euro (€5,000)";

(b) fil-paragrafu (ċ) tas-subartikolu (3) tiegħu, minflok il-kliem "tliet elef u erba' mija u erbgħa u disgħin euro u sitt ċenteżmi (3,494.06)" għandhom jidhlu l-kliem "ħamest elef euro (€5,000)"; u

(ċ) fis-subartikolu (5) tiegħu, minflok il-kliem "tliet elef u erba' mija u erbgħa u disgħin euro u sitt ċenteżmi (3,494.06)" għandhom jidhlu l-kliem "ħamest elef euro (€5,000)".

37. L-artikolu 8 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 8 tal-Att prinċipali.

(a) fis-subartikolu (3) tiegħu, minflok il-kliem "jaqbeż elf u mija u erbgħa u sittin euro u disgħa u sittin ċenteżmu (1,164.69)" għandhom jidhlu l-kliem "exceeds elf u ħames mitt euro (€1,500)"; u

(b) is-subartikolu (5) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(5) Il-Qorti tal-Appell tista', jekk tikkonsidra r-rikors frivolu jew vessatorju, tiċhad l-appell u tordna lill-appellant biex iħallas penali li m'għandhiex tkun inqas minn mitejn u ħamsin euro (€250) u li ma tkunx iżjed minn elf u mitejn u ħamsin euro (€1,250)."

38. Il-paragrafu (a) tas-subartikolu (2) tal-artikolu 9 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Emenda tal-artikolu 9 tal-Att prinċipali.

"(a) għandu jiżgura li każ għandu, daqskemm ikun possibbli, jinstema' u jinqata' sommarjament fl-istess jum tas-smiġh tiegħu u li dak is-smiġh ma jtulx iktar minn seduta waħda:

Izda jekk parti tixtieq tappella mid-deċiżjoni, għandu jingħata avviż dwar dan lill-gudikatur meta tingħata d-deċiżjoni:

Iżda wkoll il-ġudikatur għandu fl-istess jum meta tinghata d-deċiżjoni jibgħat lir-Registratur kopja bil-miktub ta' dik id-deċiżjoni li tkun ingħatat fl-istess jum u li jkun fiha r-raġunijiet għad-deċiżjoni."

TAQSIMA IV

Emendi għall-Att dwar il-Ġustizzja Amministrattiva Kap. 490.

39. Din it-Taqsima temenda l-Att dwar il-Ġustizzja Amministrattiva, u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Ġustizzja Amministrattiva, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Amendment of article 5 of the principal Act.

40. Is-subartikolu (2) tal-artikolu 5 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"(2) It-Tribunal ta' Revizjoni Amministrattiva ma jkollux kompetenza ġenerali li jirrevedi atti amministrattivi li jistgħu jiġu riveduti skont l-artikolu 469A tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili iżda jkollu l-kompetenza li jirrevedi dawk l-atti amministrattivi kif jista' jiġi preskritt f'dan l-Att jew tahtu jew kull liġi oħra li tistabbilixxi l-kompetenza tat-Tribunal ta' Revizjoni Amministrattiva fuq xi klassi ta' atti amministrattivi."

Sostituzzjoni tal-artikolu 7 tal-Att prinċipali.

41. L-artikolu 7 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

"Review of administrative acts.

7. (1) It-Tribunal ta' Revizjoni Amministrattiva għandu jkun kompetenti li jirrevedi atti amministrattivi tal-amministrazzjoni pubblika fuq punti ta' liġi u ta' fatt.

(2) Bla ħsara għad-dispożizzjonijiet tal-artikolu 5 u fejn xi liġi speċjali tassenja kompetenza lit-Tribunal ta' Revizjoni Amministrattiva u sakemm xi dispożizzjoni tal-liġi ma tippreskrivix xi terminu perentorju għall-prezentata ta' xi talba għar-revizjoni mit-Tribunal ta' Revizjoni Amministrattiva, talba biex jiġu riveduti atti ta' amministrazzjoni tal-amministrazzjoni pubblika taht dan l-Att għandha tiġi prezentata fi żmien sitt xhur mid-data meta l-parti interessata ssir taf jew setgħet issir taf b'dak l-att amministrattiv, liema minnhom ikun l-aktar kmieni."

Dispożizzjonijiet transitorji.

42. Kull qorti jew tribunal li kellhom l-kompetenza li jisimgħu u jiddeċiedu kawża qabel il-bidu fis-sehħ ta' din it-Taqsima

għandhom ikomplu jisingħu u jiddeċiedi dawk il-kawżi li kienu nbdew quddiem dik il-qorti jew dak it-tribunal qabel il-bidu fis-seħh ta' din it-Taqsima.

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma biex jiġu implimentati r-riformi proposti tas-sistema ġudizzjarja fil-qasam tal-proċedura ċivili. L-Abbozz ta' Liġi jipprovdi biex togħla l-kompetenza tal-Qorti tal-Maġistrati u tat-Tribunal għal Talbiet Żgħar, jipproponi miżuri biex tithaffef in-notifika ta' atti ġudizzjarji, johloq reġistru elettroniku għal persuni interdetti u persuni inabilitati u jipproponi miżuri biex jitrazżnu proċeduri frivoli u vessatorji fil-qrati sabiex il-qrati jkunu aktar effiċjenti. L-Abbozz ta' Liġi jiċċara wkoll l-kwistjoni dwar il-kompetenza tat-Tribunal ta' Reviżjoni Amministrattiva dwar ir-reviżjoni ta' atti amministrattivi.

**A BILL
entitled**

AN ACT to amend various laws relating to justice reform in the sphere of civil procedure.

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 (Justice Reform) (Civil Procedure) (Amendment) Act, 2015.

(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 or provisions of this Act.

PART I

Amendments to the Code of Organization and Civil Procedure. Cap. 12.

2. This Part amends the Code of Organization and Civil Procedure, 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 47 of the Code.

3. In sub-article (1) of article 47 of the Code, for the words "eleven thousand and six hundred and forty-six euro and eighty-seven cents (11,646.87)" there shall be substituted the words "fifteen thousand euro (€15,000)".

Amendment of article 152 of the Code.

4. In sub-article (1) of article 152 of the Code for the words "not later than six months" there shall be substituted the words "not later than three months".

5. Article 166A of the Code shall be amended as follows:

Amendment of article 166A of the Code.

(a) in sub-article (1) thereof, for the words "twenty-three thousand and two hundred and ninety-three euro and seventy-three cents (23,293.73)" there shall be substituted the words "twenty-five thousand euro (€25,000)"; and

(b) in the first proviso to sub-article (1) thereof, for the words "an amount not exceeding twenty-three thousand and two hundred and ninety-three euro and seventy-three cents (23,293.73)" there shall be substituted the words "an amount not exceeding twenty-five thousand euro (€25,000)"; and for the words "the said sum of twenty-three thousand and two hundred and ninety-three euro and seventy-three cents (23,293.73)" there shall be substituted the words "the said sum of twenty five thousand euro (€25,000)".

6. In sub-article (2) of article 175 of the Code for the words "judgment appealed from." there shall be substituted the words "judgment appealed from:", and immediately thereafter there shall be added the following new provisos:

Amendment of article 175 of the Code.

"Provided that any court of appellate jurisdiction may also order corrections in the judgment of the court of first instance and other corrections that the court of appellate jurisdiction considers to be justified in the acts of the case at any stage of the appeal proceedings until the appeal is adjourned for judgment, at the request of any of the parties, and after granting the parties an opportunity to be heard:

Provided further that a court of appellate jurisdiction may also order corrections in a judgment which it has delivered upon an application filed by any of the parties within thirty days from the date of the judgment."

7. Sub-article (1) of article 187, but not including the provisos thereto, of the Code shall be substituted by the following:

Amendment of article 187 of the Code.

"(1) Service shall be effected by the delivery of a copy of the pleading to the person on whom the pleading is to be served, wherever such person may be found. Service may also be effected by leaving such copy at the place of residence or business or place of work or postal address of such person with a member of his family or household or with a person in his service or with his attorney or person authorized to receive his mail. If service is not effected on a first attempt, the officer charged with the service shall make two other attempts to serve the copy of the pleading without further authorisations by the

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court and such attempts shall be made at different times of the day with the last attempt at service to be made after judicial hours. Each attempt of service is to be made after the payment of the appropriate fee due to the registry. The officer charged with the service shall file a separate certificate of service for each attempt made in the acts of the proceedings:";

Addition of new article to the Code.

8. Immediately after article 187 of the Code there shall be added the following new article:

"Accessibility of electoral register in electronic format.

187A. (1) The Chief Electoral Commissioner shall make accessible online and free of charge the electoral register for general elections to the court registries from where the courts, court officers, advocates and legal procurators may access the data contained in such register for purposes related to the service of judicial acts.

(2) The Registrar of Companies shall make accessible, online and free of charge at the Court Registry, such data related to companies required for the purposes of service of judicial acts on such companies, which the courts, court officers, advocates and legal procurators may access."

Amendment of article 195 of the Code.

9. Immediately after sub-article (6) of article 195 of the Code there shall be added the following new sub-article:

"(7) Where, after the written pleadings of an appeal are deemed to be concluded, the Court of Appeal considers an appeal to be frivolous and vexatious, the Court of Appeal may dismiss the appeal in open court on the day fixed for the first hearing."

Amendment of article 207 of the Code.

10. In paragraph (b) of article 207 of the Code for the words "in article 204(1)." there shall be substituted the words "in article 204(1):", and immediately thereafter there shall be added the following new proviso to the whole article:

"Provided that in the case of paragraphs (a) and (b), if the parties, within thirty days after the written pleadings are deemed to be concluded, file in the registry a joint note declaring that they have no oral or written submissions to make, the appellate court shall appoint the cause for judgment to a date being not later than six months from the filing of the note."

11. Sub-article (1) of article 209, but not including the provisos thereto, of the Code shall be substituted by the following: Amendment of article 209 of the Code.

"(1) The Court of Appeal shall, within three months from filing of the appeal, appoint for hearing those causes where security for costs was not deposited as provided for in article 249 and if that by the date of hearing the security for costs was not produced as provided in article 249, the court shall forthwith proceed to declare the appeal abandoned:".

12. Sub-article (1) of article 249 of the Code shall be substituted by the following: Amendment of article 249 of the Code.

"(1) Saving the provisions of the proviso to article 209(1) and unless otherwise provided in any other law, in the case of an appeal from judgments or decrees given in a cause initiated by sworn application, security for costs is to be produced and deposited in court within thirty days from the date of the notification of the amount to be deposited or, if the appeal is to be heard earlier than thirty days from the notification herein mentioned, not later than two days before the date set for the hearing of such appeal.".

13. In paragraph (c) of article 253 of the Code for the words "the Registrar Civil Courts and Tribunals" there shall be substituted the words "the Registrar". Amendment of article 253 of the Code.

14. Article 258 of the Code shall be amended as follows: Amendment of article 258 of the Code.

(a) in paragraph (a) thereof, for the words "a period of ten years" there shall be substituted the words "a period of fifteen years";

(b) in paragraph (b) thereof, for the words "a period of five years" there shall be substituted the words "a period of ten years"; and

(c) in paragraph (c) thereof, for the words "a period of three years" there shall be substituted the words "a period of five years".

15. Sub-article (1) of article 310 of the Code shall be substituted by the following: Amendment of article 310 of the Code.

"(1) In the valuation of immovable property, the experts shall include a description of the property stating the burdens, leases and other rights whether real or personal, if any, to which the property is subject, as well as the last transfer of such

property according to the information obtained from the creditor or from the debtor and such description shall include the following:

- (a) an indication of the area and height of the property subject to judicial sale;
- (b) a plan or a sketch which shows the number of rooms constituting the property and their size;
- (c) a report as to whether the property is built in line with building permits and sanitary rules;
- (d) a copy of the deed of acquisition; and
- (e) a declaration as to whether the place is inhabited or occupied by third parties, and under which title it is so occupied:

Provided that if the occupier, when so requested by the expert to give the information referred to in paragraph (e), fails to do so, the expert shall include a declaration to that effect in his report:

Provided further that if the Court is satisfied that the occupier failed to give the information referred to in the first proviso without just cause, the Court may find the occupier to be in contempt of court and he shall be liable on conviction to a punishment consisting of a fine (*multa*) of not less than two hundred euro (€200) and not more than one thousand euro (€1,000)."

Amendment of article 313 of the Code.

16. Article 313 of the Code shall be amended as follows:

(a) the current provision shall be re-numbered as sub-article (1); and

(b) immediately after sub-article (1) thereof, as re-numbered, there shall be added the following new sub-article:

"(2) The advertisement of a judicial sale by auction shall include:

(a) an indication of the court reference of the judicial sale by auction;

(b) the names of the parties thereto and their identity card or other identity document

numbers if available;

(c) a clear indication of the property to be sold;

(d) the value of each property, where a valuation has been carried out in terms of the law; and

(e) the date, time and place of the judicial sale by auction."

17. In sub-article (2) of article 354 of the Code, for the words "eleven thousand and six hundred euro" there shall be substituted the words "fifteen thousand euro (€15,000)".

Amendment of article 354 of the Code.

18. Sub-article (6) of article 356 of the Code shall be substituted by the following:

Amendment of article 356 of the Code.

"(6) The creditors whose action has been barred in terms of the provisions of this article shall not have any right against the third party in possession who had acquired the immovable as a result of the new judicial sale under the said provisions. The Registrar shall enter a note of reference to every hypothec the effect of which has been barred in terms of the provisions of this article."

19. In article 357 of the Code, for the words "within four months" there shall be substituted the words "within one year".

Amendment of article 357 of the Code.

20. Immediately after article 357 of the Code, there shall be added the following new article:

Addition of new article to the Code.

"Action to annul or rescind a judicial sale by auction.

357A. No action to annul or rescind a judicial sale by auction of an immovable property shall be filed or acceded to unless such action is filed before the lapse of six months from the date when the adjudication of the immovable property has been registered in the Public Registry."

21. Article 527 of the Code shall be substituted by the following:

Substitution of article 527 of the Code.

"Notice containing terms of inhibition to be published in Gazette.

527. (1) The court shall, in the decree of interdiction or incapacitation, direct that a notice thereof, specifying the terms of the inhibition, be published in the Gazette:

Provided that the court shall order that the decree be transmitted to the Archivist of Notarial Acts who shall enter a note of such interdiction or incapacitation in a book to be kept for the purpose.

Electronic register.

(2) The registrar shall keep an official online Register of Interdicted and Incapacitated Persons. Such register shall be continuously kept updated by the registrar. The register shall be held in electronic version and shall be accessible to advocates, notaries and legal procurators and to such other persons who the Minister may by regulations designate.

(3) The register shall be divided into two parts. The first part shall contain a list of interdicted persons and the second part shall contain a list of incapacitated persons. Each part of the register shall be held in alphabetical order.

(4) The registrar shall enter in the register the name, the surname, the father's name, the place of birth, place of residence and a reference to a legally valid identification document number of the person interdicted or incapacitated and the date and summary of the decree of interdiction or incapacitation:

Provided that from the register there shall be excluded cases:

(a) where more than eighty years have elapsed since the date of the decree;

(b) where the person would have reached the age of one hundred and ten years;

(c) where the decree has been revoked in terms of article 526; and

(d) where the person interdicted or incapacitated has died.

(5) The registrar shall before the end of the month of January of every year cause to be published in the Gazette a list showing in alphabetical order the names and surnames of the persons appearing on the register in accordance with sub-article (4), together with the name of the father, the place of birth and a legally valid identification document number of such persons, and the date of the decree of interdiction or incapacitation."

22. Immediately after article 732 of the Code, there shall be added the following new article:

Addition of new article to the Code.

"*Ex officio* pleas raised by the court.

732A. Saving the provisions of any other law, in those instances where the law allows the court to raise *ex officio* a plea in a judgment without raising such plea prior to the action being put off for judgment, without allowing the parties to take cognizance of such plea before judgment is delivered, and without the parties being allowed to produce such evidence or plead in relation to the plea, the court shall not raise such a plea in its judgment but shall raise such a plea in open court or by decree *in camera* and the parties shall be allowed to produce evidence and make oral submissions thereupon before judgment on the plea raised by the court is delivered."

23. In paragraph (b) of article 741 of the Code, for the words "is cognizable;" there shall be substituted the words "is cognizable:", and immediately thereafter there shall be added the following new provisos:

Amendment of article 741 of the Code.

"Provided that if the court considers that the plea is justified, the court shall by a decree *in camera*, which shall not be subject to appeal, order that the acts of the proceedings be transferred to the court, board or other tribunal by which it considers that such action is cognizable:

Provided further that if the court, board or other tribunal to which the acts of the proceedings are transferred considers that it is not vested with jurisdiction to take cognizance of the action transferred to it, the court, board or other tribunal shall within ten days from the receipt of the acts of the proceedings or from the first hearing of the action before it transmit the acts of the

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proceedings to the court of appellate jurisdiction entitled to take cognizance of appeals from judgments of the court, board or other tribunal which court shall within thirty days and by a decree *in camera* determine by which court, board or other tribunal such action is cognizable;"

Amendment of article 874 of the Code.

24. Article 874 of the Code shall be amended as follows:

(a) in sub-article (2) thereof, immediately after the words "with reference to the geographical data in question." there shall be added the words "Where the application refers to specific immovables it shall also be accompanied by a complete draft of the note of enrolment for filing in the Public Registry.";

(b) in sub-article (3) thereof, for the words "a notary public, appointed by the Court for the purpose" there shall be substituted the words "the Registrar"; and

(c) immediately after sub-article (6) thereof, there shall be added the following new sub-article:

"(7) No action for damages shall lie against the Registrar for failure to comply with any of the provisions of this article except on the basis of wilful acts done in bad faith or of gross negligence."

Amendment of article 875 of the Code.

25. Sub-article (3) of article 875 of the Code shall be substituted by the following:

"(3) The court shall appoint the application for hearing on a date not later than one month from the day when the warrant had been filed and confirmed on oath and the parties have been duly notified and shall decide *ex tempore* on its merits by means of a decree in the records of the proceedings."

PART II

Amendment to the Civil Code. Cap. 16.

26. 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".

Amendment of article 1857 of the Code.

27. Sub-article (2) of article 1857 of the Code shall be substituted by the following:

"(2) Subject to any other special provision of law and without prejudice to the legal effects of any situation such as employment or a professional relationship where a mandate can be inferred from circumstances, a mandate can be granted by a

public deed, by a private writing or verbally:

Provided that a verbal mandate shall only be granted for ordinary acts of administration."

28. In article 1858 of the Code, for the words "may also be tacit, and may be inferred from acts" there shall be substituted the words "may not be tacit but has to be explicit." Amendment of article 1858 of the Code.

29. Article 1860 of the Code shall be substituted by the following: Substitution of article 1860 of the Code.

"Personal Register.

1860. (1) When a mandate is granted by a public deed or private writing, the name, surname, address and a legally valid identification document number of the mandator and the mandatory, shall be entered in alphabetical order in the online Personal Register held by the Director of the Public Registry.

(2) Such registration shall apply both to general and special mandates.

(3) The Personal Register shall be held in electronic version and shall be accessible to advocates, notaries and legal procurators.

(4) The registration of a mandate and any revocation of a mandate or any renunciation to a mandate on the part of a mandatory made by public deed shall be enrolled within fifteen working days by the notary drawing up the public deed in the Public Registry for registration by the Director of the Public Registry in the Personal Register. Such registration, revocation or renunciation shall have effect with regard to third parties on the date of its registration in the Register:

Provided that if the mandate is granted by private writing or verbally, the person giving such a mandate may, within twenty days, transmit the form relating to the grant of the mandate to the Public Registry for registration by the Director of the Public Registry in the Personal Register:

Provided further that the mandate can only be revoked or renounced in the same form whereby it was granted:

Provided further that a mandate shall not be changed and modifications to the mandate shall be made by the cancellation of the mandate and the granting of a new mandate.

(5) Where a mandate is granted by a public deed, by private writing or verbally and where any renunciation or revocation are made thereto in terms of sub-article (4), a copy of the mandate, revocation or renunciation, as the case may be, shall be given by the mandatory to the Director. The Director shall file that mandate in his records and shall take cognizance of the particulars of the mandator, the mandatory and the mandate or revocation or renunciation made thereto. It shall be the duty of the mandator to inform the Director or other person of its revocation or of a renunciation to the mandate by the mandatory.

(6) The requirements of this article and of registration of mandates shall not apply where a mandate does not authorise the mandatory to transfer rights over immovable property of the mandator or to withdraw or receive any funds on behalf of the mandator exceeding one thousand euro (€1,000). In such cases registration of the mandate or of its revocation shall be voluntary and may be made by the mandator or the mandatory."

Amendment of article 1863 of the Code.

30. In sub-article (2) of article 1863 of the Code for the words "must be expressed" there shall be substituted the words "must be expressed in writing, and enrolled and, or registered in the Public Registry within fifteen working days".

Amendment of article 1870 of the Code.

31. Paragraph (c) of sub-article (3) of article 1870 of the Code shall be deleted.

Amendment of article 1877 of the Code.

32. Immediately after sub-article (4) of article 1887 of the Code, there shall be added the following new sub-articles:

"(5) The revocation shall only be valid upon its registration in the Public Registry.

(6) Notwithstanding the provisions of any other law, all mandates shall only be valid for a period of five years from the date when the mandate is given or such longer period of time as may be stated in the mandate."

33. Immediately after article 1890 of the Code, there shall be added the following new articles:

Addition of new articles to the Code.

"Duties of notaries with respect to registration of mandates.

1890A. (1) When a mandate, a revocation thereof or a renunciation thereto, is granted or made by a public deed, the notary who receives the public deed shall cause the registration of the relative public deed in terms of the preceding provisions of this Title.

(2) A notary public who contravenes the provisions of sub-article (1) shall be liable in damages towards the party interested, and shall be subject to a fine not exceeding one thousand euro (€1,000) to be imposed by the Court of Revision of Notarial Acts either of its own motion or on the demand of any interested party.

Registration of mandates granted by private writing or verbally.

1890B. When a mandate, a revocation thereof or a renunciation thereto, is granted or made by a private writing or verbally, the person granting the mandate may fill the form that the Minister may by regulations establish and transmit such form to the Public Registry for registration of the mandate:

Provided that if the mandate refers to bank accounts, a copy of the form mentioned in this article shall thereafter be submitted to the banking institution by the person granting the mandate."

34. (1) Subject to the provisions of sub-article (2), all mandates, except mandates authorising a person to pursue judicial proceedings which have already been commenced on the date of the coming into force of this Part, which are in force at the time of the coming into force of this Part shall be deemed to be valid for five years from the date of the coming into force of this Part and shall be enrolled or registered in the Public Registry in accordance with article 1863(2) by not later than 31st December 2016.

Transitory provisions.

(2) The provisions of sub-article (1) shall not apply to mandates which had been registered in the Public Registry in terms of article 1870(3)(c) of the Civil Code.

PART III

35. This Part amends the Small Claims Tribunal Act, and it shall be read and construed as one with the Small Claims Tribunal Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Small Claims Tribunal Act.
Cap. 380.

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Amendment of
article 3 of the
principal Act.

36. Article 3 of the principal Act shall be amended as follows:

(a) in sub-article (2) thereof, for the words "three thousand and four hundred and ninety-four euro and six cents (3, 494.06)" there shall be substituted the words "five thousand euro (€5,000)";

(b) in paragraph (c) of sub-article (3) thereof, for the words "three thousand and four hundred and ninety-four euro and six cents (3, 494.06)" there shall be substituted the words "five thousand euro (€5,000)"; and

(c) in sub-article (5) thereof, for the words "three thousand and four hundred and ninety-four euro and six cents (3, 494.06)" there shall be substituted the words "five thousand euro (€5,000)".

Amendment of
article 8 of the
principal Act.

37. Article 8 of the principal Act shall be amended as follows:

(a) in sub-article (3) thereof, for the words "exceeds one thousand and one hundred and sixty-four euro and sixty-nine cents (1, 164.69)" there shall be substituted the words "exceeds one thousand and five hundred euro (€1,500)"; and

(b) sub-article (5) thereof shall be substituted by the following:

"(5) The Court of Appeal may, if it considers the application frivolous or vexatious, dismiss the appeal and order the applicant to pay a penalty which shall not be less than two hundred and fifty euro (€250) and not exceeding one thousand and two hundred and fifty euro (€1,250)".

Amendment of
article 9 of the
principal Act.

38. Paragraph (a) of sub-article (2) of article 9 of the principal Act shall be substituted by the following:

"(a) shall ensure that a case is, as far as possible, heard summarily and decided *ex tempore* on the same day of the hearing and that the hearing shall not take longer than one sitting:

Provided that if a party wishes to appeal from the decision, notice shall be given to the adjudicator at the time the decision is given:

Provided further that the adjudicator shall on the same day when the decision is given deliver a written copy of the *ex tempore* decision containing the reasons for the decision

to the Registrar."

PART IV

39. This Part amends the Administrative Justice Act, and it shall be read and construed as one with the Administrative Justice Act, hereinafter in this Part referred to as "the principal Act".

Amendments to the Administrative Justice Act. Cap. 490.

40. Sub-article (2) of article 5 of the principal Act shall be substituted by the following:

Amendment of article 5 of the principal Act.

"(2) The Administrative Review Tribunal shall not have a general jurisdiction to review administrative acts which are reviewable under article 469A of the Code of Organisation and Civil Procedure but it shall have jurisdiction to review those administrative acts as may be prescribed in or under this Act or any other law granting jurisdiction to the Administrative Review Tribunal over any class of administrative acts."

41. Article 7 of the principal Act shall be substituted by the following:

Substitution of article 7 of the principal Act.

"Review of administrative acts.

7. (1) The Administrative Review Tribunal shall be competent to review administrative acts of the public administration on points of law and points of fact.

(2) Subject to the provisions of article 5 and where a special law confers jurisdiction to the Administrative Review Tribunal and unless any provision of the law does not provide for any time limit for the filing of an action for review by the Administrative Review Tribunal, an action to review administrative acts of the public administration under this Act shall be filed within a period of six months from the date when the interested person becomes aware or could have become aware of such an administrative act, whichever is the earlier."

42. Every court or tribunal having jurisdiction to hear and determine a cause prior to the coming into force of this Part shall continue to hear and determine those causes that were commenced before such court or tribunal prior to the coming into force of this Part.

Transitory provisions.

Objects and Reasons

The objects and reasons of this Bill are to implement proposed reforms of the justice system in the field of civil procedure. The Bill provides for the raising of the competences of the Courts of Magistrates and of the Small Claims Tribunal, proposes measures to accelerate the service of written pleadings, creates an electronic register for interdicted and incapacitated persons and proposes measures to curb frivolous and vexatious court proceedings in order to make the courts more efficient. The Bill also clarifies the issue relating to the jurisdiction of the Administrative Review Tribunal to review administrative acts.

