

*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,523, 19 ta' Jannar, 2016*

*Taqsim A*

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MALTA

**ATT Nru IV tal-2016**

ATT maħruġ b'liġi mill-Parlament ta' Malta.

**ATT biex jemenda diversi liġijiet li jirrigwardaw ir-riforma tal-ġustizzja fil-qasal tal-proċedura ċivili.**

**ACT No. IV of 2016**

AN ACT enacted by the Parliament of Malta.

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



Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE LOUISE  
COLEIRO PRECA  
President**

19 ta' Jannar, 2016

**ATT Nru IV tal-2016**

*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 l-Att tal-2016 li jemenda Diversi Liġijiet (Riforma tal-Ġustizzja) (Proċedura Ċivili).

Titolu fil-qosor u bidu fis-sehħ.

(2) Dan l-Att għandu jidhol fis-sehħ f'dik id-data li l-Ministru responsabbli għall-Ġustizzja jista' jstabilixxi b'avviż fil-Gazzetta, u jistgħu jigu hekk stabbiliti dati differenti għal għanijiet differenti u għal dispożizzjonijiet 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 msejjah "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 erbghin euro u sebgha u tmenin ċenteżmu (11,646.87)" għandhom jidhlu l-kliem "ħmistax-il elf euro (€15,000)".

Emenda tal-artikolu 47 tal-Kodiċi.

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Emenda tal-artikolu 152 tal-Kodiċi.

4. Fis-subartikolu (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 166A tal-Kodiċi.

5. L-artikolu 166A tal-Kodiċi għandu jigi 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 "hamsa u għoxrin elf euro (€25,000)";

(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 "ammont li ma jeċċedix hamsa 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' hamsa u għoxrin elf euro (€25,000)"; u

(ċ) minnufih wara s-subartikolu (6) tal-artikolu 166A tal-Kodiċi, għandu jiżdied is-subartikolu (7) li ġej:

"(7) Minkejja d-dispożizzjonijiet l-oħra ta' dan l-artikolu, meta ittra uffiċjali pprezentata skont dan l-artikolu ma tiġix notifikata fuq id-debitur f'sitt xhur minn meta l-istess ittra tiġi pprezentata, il-proċedura provduta f'dan l-artikolu ma tibqax tapplika mingħajr preġudizzju għall-jedd tal-kreditur li jkun jista' jipprezenta ittra uffiċjali oħra skont dan l-artikolu b'referenza għall-istess debitu."

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 jiżdiedu 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 stadju 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 preżentat minn waħda mill-partijiet fi żmien tletin ġurnata mid-data tas-sentenza."

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

Emenda tal-artikolu 187 tal-Kodiċi.

"(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'hinijiet differenti tal-gurnata bl-aħħar tentattiv ta' notifika jsir wara l-hinijiet għudizzjarji. Kull tentattiv ta' notifika għandu jsir wara li jithallas 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. Minnufih wara l-artikolu 187 tal-Kodiċi għandu jżied l-artikolu gdid li ġej:

Żjieda ta' artikolu gdid mal-Kodiċi.

"Accessibilità għar-registru elettoralijiet f'format elettroniku.

187A. (1) Il-Kummissarju Elettorali Ewlieni għandu jippermetti l-aċċess *online* u mingħajr ħlas tar-registru elettoralijiet 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-Registatur tal-Kumpanniji għandu jippermetti l-aċċess, *online* u mingħajr ħlas fir-Registru tal-Qorti, għal dik id-*data* li għandha x'taqsam ma' kumpanniji li tkun meħtieġa għan-notifika ta' atti għudizzjarji lil dawg 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 jżied is-subartikolu gdid 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.".

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Emenda tal-artikolu 207 tal-Kodiċi.

**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 jizdied il-proviso ġdid għall-artikolu sħiħ:

"Izda fil-każ tal-paragrafi (a) u (b), jekk il-partijiet, fi żmien tletin ġurnata 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 fi grad ta' appell tista' thalli l-kawża għas-sentenza f'data li ma tkunx aktar tard minn sitt xhur mill-prezentata tan-nota."

Emenda tal-artikolu 253 tal-Kodiċi.

**11.** Fil-paragrafu (è) tal-artikolu 253 tal-Kodiċi, minflok il-kliem "tar-Registatur Qrati Ċivili u Tribunali" għandhom jidhlu l-kliem "tar-Registatur".

Emenda tal-artikolu 258 tal-Kodiċi.

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

(a) fil-paragrafu (a) tiegħu, minflok il-kliem "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

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

Emenda tal-artikolu 310 tal-Kodiċi.

**13.** Is-subartikolu (1) tal-artikolu 310 tal-Kodiċi għandu 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 suġġett, kif ukoll l-aħħar 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 suġġett għall-bejgħ bl-irkant fil-qorti;

(b) pjanta jew skizz li juru l-għadd ta' kmamar li jiffurmaw il-fond u d-daqs tagħhom;

(è) 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 jaghti l-informazzjoni msemija 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 jaghti l-informazzjoni msemija fl-ewwel proviso mingħajr raġuni valida, il-Qorti tista' ssib l-inkwilin ħati ta' disprezz tal-qorti u meta jinsab ħati jehel piena li tikkonsisti f'multa ta' mhux inqas minn mitejn euro (€200) u mhux izjed minn elf euro (€1,000)."

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

Emenda tal-artikolu 313 tal-Kodiċi.

(a) id-dispożizzjoni prezenti għandha tiġi enumerata mill-ġdid bhala s-subartikolu (1); u

(b) minnufih wara s-subartikolu (1) tiegħu, kif enumerat mill-ġdid, għandu jiżdied 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;

(ċ) indikazzjoni ċara tal-fond li ser jinbiegħ;

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

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

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

Emenda tal-artikolu 354 tal-Kodiċi.

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Emenda tal-artikolu 357 tal-Kodiċi.

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

Żjieda ta' artikolu ġdid mal-Kodiċi.

**17.** Minnufih wara l-artikolu 357 tal-Kodiċi, għandu jizded 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 tghaddi sena mid-data meta tkun saret fir-Registru Pubbliku l-iskrizzjoni tal-liberazzjoni tal-proprjetà immobbli."

Sostituzzjoni tal-artikolu 527 tal-Kodiċi.

**18.** L-artikolu 527 tal-Kodiċi għandu jiġi sostitwit b'dan li ġej:

"Avviż li jkun fih il-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 għandu jdahhal nota dwar dik l-interdizzjoni jew l-inabilitazzjoni fi ktieb miżmum għal dan il-għan.

Registru f'format elettroniku.

(2) Ir-registratur għandu jzomm 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 għall-Kummissarju għall-Promozzjoni tad-Drittijiet ta' Persuni b'Diżordni Mentali, għal avukati, nutara u prokuraturi legali u għal dawk il-persuni l-oħra kif il-Ministru jista', permezz ta' regolamenti, isemmi.

(3) Ir-registru għandu jkun maqsum fi tliet taqsimiet. L-ewwel taqsima jkun fiha lista ta' persuni interdetti, it-tieni taqsima jkun fiha lista ta' persuni inabilitati u t-tielet taqsima jkun fiha lista ta' persuni li jkun inħargilhom ċertifikat ta' nuqqas ta' kapaċità mentali skont l-Att dwar is-Saħħa Mentali. Kull taqsima tar-registru għandha tinżamm f'ordni alfabetiku.



(4) Ir-registratur għandu jnizzel 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;

(ċ) fejn id-digriet ikun ġie revokat skont id-dispożizzjonijiet tal-artikolu 526; u

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

(5) Ir-registru għandu jkun aċċessibbli lill-pubbliku taħt is-supervizzjoni ta' uffiċjali tal-Qorti fl-edifiċju tal-Qorti ta' ġurisdizzjoni volontarja.

(6) Sakemm jiġi stabbilit registru elettroniku skont it-termini ta' dan l-artikolu, l-istess registru jista' jinzamm f'format manwali mir-Registratur tal-Qorti ta' ġurisdizzjoni volontarja li għandu jipprovdi aċċess għalih fil-ħinijiet tal-ftuħ tar-registru."

**19.** Minnufih wara l-artikolu 732 tal-Kodiċi, għandu jiżdied l-artikolu ġdid li ġej:

Żjieda ta' artikolu ġdid mal-Kodiċi.

"Eċċezzjonijiet  
*ex officio*  
mogħtija mill-  
qorti.

732A. Mingħajr ħsara 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 tinghata 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 għandha 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 tinghata s-sentenza dwar l-eċċezzjoni mogħtija mill-qorti."

Emenda tal-  
artikolu 741 tal-  
Kodiċi.

**20.** 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 jizdiedu l-*provisos* ġodda li ġejjin:

"Izda jekk il-qorti tikkunsidra li l-eċċezzjoni hi ġustifikata, il-qorti għandha, permezz ta' digriet *in camera*, li ma jkunx appellabli, 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 tribunal ieħor għandhom, fi żmien għaxart ijiem minn meta jkun rċevew l-atti tal-proċeduri jew minn meta jkun sar l-ewwel smiġh quddiemhom, jibagħtu l-atti tal-proċeduri lill-qorti tal-appell li hi kompetenti li tieħu 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;"

Emenda tal-  
artikolu 874 tal-  
Kodiċi.

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

(a) fis-subartikolu (2) tiegħu, minnufih wara l-kliem "b'referenza għad-*data* ġeografika inkwistjoni." għandhom jizdiedu l-kliem "Meta r-rikors jirreferi għal proprjetà immobbli

speċifika għandu wkoll ikollu mehmuż 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 jidhru l-kliem "ir-Registratur"; u

(ċ) minnufih wara s-subartikolu (6) tiegħu, għandu jizdied 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 hlief fuq il-bażi ta' atti volontarji magħmula b'*mala fede* jew b'negligenza gravi."

**22.** 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-smiġh 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

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

Emenda għall-Kodiċi Ċivili. Kap. 16.

**24.** Fis-subartikolu (1) tal-artikolu 1886 tal-Kodiċi, fil-paragrafu (e) tiegħu, il-kliem "tal-mandatarju." għandhom jiġu sostitwiti bil-kliem "tal-mandatarju:" u minnufih wara għandu jizdied il-proviso ġdid li ġej:

Emenda tal-artikolu 1886 tal-Kodiċi.

"Izda:

(i) Fil-każ li mandat jispiċċa fejn il-mandatarju, li tkun persuna fiżika, kien awtorizzat li jittrasferixxi proprjetà immobbli f'isem il-mandant jew fejn il-mandat ikun wiehed ta' natura ġenerali li jkun inghata bejn persuni fiżiċi, dik it-terminazzjoni tista' tiġi notifikata mill-mandant jew minn kull persuna oħra li jkollha interess fil-mandat lin-Nutar Ewlieni tal-Gvern li għandu jdaħħal id-dettalji ta' dik it-terminazzjoni f'registru li huwa għandu jzomm għal dak il-għan u li għandu jkun aċċessibbli għall-pubbliku waqt il-hinijiet tal-uffiċċju; u

(ii) Il-Ministru responsabbli għall-Ġustizzja jista' joħroġ regolamenti sabiex jistabbilixxi regjistru elettroniku fejn tkun tista' ssir ir-registrazzjoni ta' mandati u tat-terminazzjoni tagħhom u biex jistabbilixxi dawk il-formalitajiet, drittijiet u proċeduri applikabbli għar-registrazzjoni fl-imsemmi regjistru elettroniku u biex jirregola l-aċċess għall-istess regjistru."

### TAQSIMA III

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

**25.** Din it-Taqsima temenda l-Att dwar Tribunal għal Talbiet Żgħar, u għandha tinqara u tinftiehem haġa wahda mal-Att dwar Tribunal għal Talbiet Żgħar, hawn iżjed 'il quddiem f'din it-Taqsima msejjah "l-Att prinċipali".

Emenda tal-artikolu 3 tal-Att prinċipali.

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

(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)".

Emenda tal-artikolu 8 tal-Att prinċipali.

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

(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 "jaqbeż 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)."

Emenda tal-artikolu 9 tal-Att prinċipali.

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

"(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-ġudikatur meta tingħata d-deċiżjoni:

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

#### TAQSIMA IV

**29.** Din it-Taqsima temenda l-Att dwar il-Ġustizzja Amministrattiva, u għandha tinqara u tintfiehem haġa waħda mal-Att dwar il-Ġustizzja Amministrattiva, hawn iżjed 'il quddiem f'din it-Taqsima msejjah "l-Att prinċipali".

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

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

Emenda tal-artikolu 5 tal-Att prinċipali.

"(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."

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

Sostituzzjoni tal-artikolu 7 tal-Att prinċipali.

"Revizjoni ta' atti amministrattivi.

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

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(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 taħt 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.

**32.** Kull qorti jew tribunal li kellhom il-kompetenza li jisimghu u jiddeċiedu kawża qabel il-bidu fis-seħħ ta' din it-Taqsima għandhom ikomplu jisimghu u jiddeċiedu dawk il-kawżi li kienu nbdew quddiem dik il-qorti jew dak it-tribunal qabel il-bidu fis-seħħ ta' din it-Taqsima.

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 343 tat-12 ta' Jannar, 2016.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

**MARIE LOUISE  
COLEIRO PRECA  
President**

19th January, 2016

**ACT No. IV of 2016**

*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:-

**1.** (1) The short title of this Act is the Various Laws (Justice Reform) (Civil Procedure) (Amendment) Act, 2016. Short title and commencement.

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

**PART I**

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

**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 47 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". Amendment of article 152 of the Code.

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Amendment of  
article 166A of  
the Code.

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

(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)";

(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)"; and

(c) immediately after sub-article (6) of article 166A of the Code, there shall be added the following new sub-article (7):

"(7) Notwithstanding the other provisions of this article, where a judicial letter filed in terms of this article is not notified upon the debtor within six months from when the said letter is filed, the procedure provided for in this article shall no longer apply without prejudice to the right of the creditor to file another judicial letter in terms of this article with respect to the same claim."

Amendment of  
article 175 of  
the Code.

**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:

"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."

Amendment of  
article 187 of  
the Code.

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



"(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 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:".

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

Addition of new article to the Code.

"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."

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

Amendment of article 195 of the Code.

"(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."

**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

Amendment of article 207 of the Code.

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."

Amendment of article 253 of the Code.

**11.** 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 258 of the Code.

**12.** Article 258 of the Code shall be amended as follows:

(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".

Amendment of article 310 of the Code.

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

"(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).".

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

Amendment of  
article 313 of  
the Code.

(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.".

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Amendment of article 354 of the Code.

**15.** 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 357 of the Code.

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

Addition of new article to the Code.

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

"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 one year from the date when the adjudication of the immovable property has been registered in the Public Registry."

Substitution of article 527 of the Code.

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

"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 the Commissioner for the Promotion of Rights of Persons with Mental Disorders and 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 three parts. The first part shall contain a list of interdicted persons, the second part shall contain a list of incapacitated persons and the third part shall contain a list of persons in respect of whom a certificate of lack of mental capacity has been issued in accordance with the Mental Health Act. 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 register shall be accessible to the public under the supervision of an officer from the court from the premises of the Court of voluntary jurisdiction.

(6) Until an electronic register in accordance with this article is established, such register may be kept in hard copy by the Registrar of the Court of voluntary jurisdiction who shall allow access to the said register during the times when the registry is open."

**19.** 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."

Amendment of  
article 741 of  
the Code.

**20.** 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:

"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 transmits the acts of the 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.

**21.** 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."

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

"(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

**23.** 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 to the Civil Code. Cap. 16.

**24.** In sub-article (1) of article 1886 of the Code in paragraph (e) thereof, the words "on the part of the mandatory." shall be substituted by the words "on the part of the mandatory:" and immediately thereafter there shall be added the following new proviso: Amendment of article 1886 of the Code.

"Provided that:

(i) in the case of the termination of a mandate whereby the mandatory, being a physical person, has been empowered to transfer immovable property on behalf of the mandator or where the mandate is one of a general nature given between physical persons, such termination may be notified by the mandator or by any other person having an interest in the mandate to the Chief Notary to Government who will enter the particulars of such termination in a register held by him for the purpose and which shall be accessible to the public during office hours; and

(ii) the Minister responsible for Justice shall have the power to issue regulations to establish an electronic register where the registration of mandates and their termination may be made and to establish such formalities, fees and applicable procedures for registration in the said electronic register and to regulate access to the said register."

### PART III

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

**25.** 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".

Amendment of article 3 of the principal Act.

**26.** 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.

**27.** 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)."



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

"(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

**29.** 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.

**30.** 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 Organization 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."

**31.** 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.

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(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."

Transitory provisions.

**32.** 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.

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Passed by the House of Representatives at Sitting No. 343 of the 12th January, 2016.

ANGLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



