Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,497, 9 ta' Ottubru, 2020
Taqsima C

Nru. 165

9. 10. 2020

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Edward Zammit Lewis, M.P., Ministru għall-Ġustizzja, l-Ugwaljanza u l-Governanza, u moqri għall-Ewwel darba fis-Seduta tal-5 ta' Ottubru 2020.

ATT sabiex jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap 12.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Edward Zammit Lewis, M.P., Minister for Justice, Equality and Governance, and read the First time at the Sitting of the 5th October 2020.

AN ACT to amend the Code of Organization and Civil Procedure, Cap. 12.

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
imsejjaħ

ATT sabiex jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap 12.

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

Titolu fil-qosor.

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2020 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili (Emenda Nru 3) u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawn iżjed 'il quddiem imsejjaħ "il-Kodiċi".

Kap. 12.

Żieda ta' artikoli ġodda mal-Kodiċi.

2. Minnufih wara l-artikolu 833B tal-Kodiċi għandhom jiżdiedu l-artikolu ġodda li ġejjin:

"Preżentazzjoni ta' mandat kawtelatorju b'ittra ġudizzjarja għall-eżekuzzjoni ta' kambjali u *promissory notes* maħruġa skont il-Kodiċi tal-Kummerċ.

833Ċ. Fejn ittra ġudizzjarja tkun ġiet iddepożitata biex tirrendi l-kambjali jew *promissory notes* eżegwibbli skont id-dispożizzjonijiet tal-artikolu 253(e), jista' jkun hemmhekk ukoll jiġu ppreżentati l-mandati kawtelatorji msemmija fl-artikolu 830 (1) (a), (b) u (d):

Iżda meta din l-ittra tiġi ppreżentata biex tirrendi l-kambjali jew *promissory notes* eżegwibbli skont id-dispożizzjonijiet tal-artikolu 253(e), l-applikant għandu jwaħħal kopja ta' dik l-ittra fl-atti tal-mandat kawtelatorju, u tali mandat għandu jikkonferma bid-dispożizzjonijiet tat-Titolu VI tat-Tielet Ktieb ta' dan il-Kodiċi.

Preżentazzjoni ta' mandat kawtelatorju b'ittra ġudizzjarja ppreżentata skont l-artikolu 466.

833D. Fejn ittra ġudizzjarja tkun ġiet ippreżentata skont l-artikolu 466, jista' jkun hemmhekk ukoll jiġu ppreżentati l-mandati kawtelatorji msemmija fl-artikolu 830 (1) (a), (b) u (d):

Iżda meta din l-ittra tiġi ppreżentata skont l-artikolu 466, l-applikant għandu jwaħħal kopja ta' dik l-ittra fl-atti tal-mandat kawtelatorju, u tali mandat għandu jikkonforma mad-dispożizzjonijiet tat-Titolu VI tat-Tielet Ktieb ta' dan il-Kodiċi.".

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma li jipprovdu speċifikament għall-preżentata ta' ċertu mandati kawtelatorji meta jiġu preżentati ittri uffiċjali skont artikolu 466 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, għall-eżekuzzjoni ta' kambjali u *promissory notes* maħruġa skont il-Kodiċi tal-Kummerċ.

A BILL
entitled

AN ACT to amend the Code of Organization and Civil Procedure, Cap. 12.

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. The short title of this Act is the Code of Organization and Civil Procedure (Amendment No. 3) Act, 2020 and this Act shall be read and construed as one with the Code of Organization and Civil Procedure hereinafter referred to as "the Code". Short title. Cap. 12.

2. Immediately after article 833B of the Code there shall be added the following new articles: Addition of new articles to the Code.

"Filing of precautionary warrant with judicial letter for execution of bills of exchange and promissory notes issued in terms of the Commercial Code.

833C. Where a judicial letter has been lodged to render bills of exchange or promissory notes executable in accordance with the proviso to article 253(e) there may also thereupon be filed the precautionary warrants referred to in article 830 (1)(a), (b) and (d):

Provided that when such letter is filed to render bills of exchange or promissory notes executable in accordance with the proviso to article 253(e), the applicant shall attach a copy of such letter in the acts of the precautionary warrant, and such warrant shall confirm with the provisions of Title VI of Book Third of this Code.

Filing of precautionary warrant with judicial letter lodged in accordance with article 466.

833D. Where a judicial letter has been lodged in accordance with article 466, there may also thereupon be filed the precautionary warrants referred to in article 830 (1)(a), (b) and (d):

Provided that when such letter is filed in accordance with article 466, the applicant shall attach a copy of such letter in the acts of the precautionary warrant, and such warrant shall conform with the provisions of Title VI of Book Third of this Code.".

Objects and Reasons

The objects and reasons of this Bill are to specifically provide for the filing of certain precautionary warrants when filing judicial letters in accordance with article 466 of the Code of Organization and Civil Procedure, for execution of bills of exchange and promissory notes issued in terms of the Commercial Code.

VERŻJONI ELETTRONIKA

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