

MALTA

ATT Nru LIII tal-2020

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

ATT sabiex ikompli jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap. 12, biex jipprovdi għall-preżenza fil-qorti permezz ta' links ta' konferenzi bil-vidjo live.

ACT No. LIII of 2020

AN ACT enacted by the Parliament of Malta.

AN ACT to further amend the Code of Organization and Civil Procedure, Cap. 12, for the purpose of providing for presence in court through live video conferencing links.

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE VELLA
President

13 ta' Novembru, 2020

ATT Nru LIII tal-2020

ATT sabiex ikompli jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap. 12, biex jipprovdi għall-preżenza fil-qorti permezz ta' links ta' konferenzi bil-vidjo live.

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

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 2) u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawn iżjed 'il quddiem imsejjah "il-Kodiċi".

Titolu fil-qosor.

Kap. 12.

2. Minnufih wara l-artikolu 199 tal-Kodiċi għandu jiżdied l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid mal-Kodiċi.

"Preżenza permezz ta' link għall-konferenzi bil-vidjo live.

199A. (1) Fi kwalunkwe kawża, qorti tista' fuq rikors ta' waħda mill-partijiet jew *ex officio*, wara li tisma' rappreżentazzjonijiet mill-partijiet, tiddikjara li kwalunkwe parti jew xhud f'post barra mill-qorti stess (minn hawn 'il quddiem imsejjah "post remot") għandhom jiġu ttrattati bħala preżenti fil-qorti għal kwalunkwe parti tal-proċedimenti, inkluż kwalunkwe proċedimenti li jkunu inċidentali għall-kawża prinċipali, jew għall-kawża kollha.

A 1016

(2) Qorti ma għandhiex tagħti ordni skont is-subartikolu (1) jekk:

(a) ma tkunx sodisfatta li huma disponibbli faċilitajiet li jippermettu li persuni fil-post remot jaraw u jisimgħu l-qorti u li jkunu jistgħu jidhru u jinstemgħu minnha;

(b) ikun ingust għal xi waħda mill-partijiet li jsiru seduti permezz ta' links ta' konferenzi bil-vidjo live; jew

(c) ikun kuntrarju għall-interessi tal-gustizzja li jsir hekk.

(3) Jekk qorti tiddeċiedi li ma tagħtix ordni taht is-subartikolu (1) biex torganizza seduti permezz ta' links ta' konferenza bil-vidjo, hija għandha tagħti r-raġunijiet għar-rifjut tagħha.

(4) Il-Bord tar-Regoli stabbilit taht l-artikolu 29 jista', b'regolamenti, jippreskrivi regoli u kodiċi ta' prattika għall-amministrazzjoni aħjar ta' proċeduri ta' konferenzi bil-vidjo live."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 398 tal-10 ta' Novembru, 2020.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE VELLA
President

13th November, 2020

ACT No. LIII of 2020

AN ACT to further amend the Code of Organization and Civil Procedure, Cap. 12, for the purpose of providing for presence in court through live video conferencing links.

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. 2) 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 199 of the Code there shall be added the following new article:

Addition of new article to the Code.

"Presence through live video conferencing link.

199A. (1) In any cause, a court may on application of one of the parties or of its own motion, after hearing representations from the parties, direct that any party or witness in a location other than the court itself (hereinafter referred to as the "remote location") shall be treated as being present in the court for any part of the proceedings, including any proceedings which are incidental to the main proceedings, or for the entirety of the proceedings.

A 1018

(2) A court shall not give an order under sub-article (1) unless:

(a) it is satisfied that facilities are available which enable persons in the remote location to see and hear the court and to be seen and heard by it;

(b) if it would be unfair to any of the parties to hold sittings by a live video conferencing link; or

(c) if it would be contrary to the interests of justice to do so.

(3) If a court decides not to give an order under sub-article (1) to hold sittings by video conferencing link, it shall give its reasons for the refusal.

(4) The Rule Making Board established under article 29 may, by regulations, prescribe rules and codes of practice for the better administration of live video conferencing procedures."

Passed by the House of Representatives at Sitting No. 398 of the 10th November, 2020.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA