MALTA

ATT Nru. XXIV ta' l-1995

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

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

ACT No. XXIV of 1995

AN ACT enacted by the Parliament of Malta.

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

Nagħti l-kunsens tiegħi.

(L.S.)

UGO MIFSUD BONNICI
President

12 ta' Settembru, 1995

ATT Nru. XXIV ta' l-1995

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

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

Titolu fil-qosor u bidu fis-seħħ.

1. (1) Dan l-Att jista' jissejjaħ l-Att ta' l-1995 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u għandu jinqara u jiftiehem ħaġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawnhekk iżjed 'il quddiem imsejjaħ "il-liġi prinċipali". Kap. 12.

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

(3) Avviż maħruġ taħt is-subartikolu (2) ta' dan l-artikolu jista' jkun fih dawk id-dispożizzjonijiet transitorji li jistgħu jidhru lill-Ministru li jkunu meħtieġa jew spedjenti għar-rigward ta' dawk id-dispożizzjonijiet li jkunu qed jinġiebu fis-seħħ b'dak l-avviż.

Sostituzzjoni ta' l-artikolu 3 tal-liġi prinċipali.

2. Minflok l-artikolu 3 tal-liġi prinċipali għandu jidħol dan li ġej:

"Qrati Superjuri.

3. Il-qrati superjuri huma:

(a) Il-Qorti Ċivili;

(b) Il-Qorti ta' l-Appell; u

(ċ) Il-Qorti Kostituzzjonali.".

Emenda ta' l-artikolu 10 tal-liġi prinċipali.

3. Minflok il-kliem "lill-President tar-Repubblika." fis-subartikolu (2) ta' l-artikolu 10 tal-liġi prinċipali għandhom jidħlu l-kliem "lill-President ta' Malta.".

Emenda ta' l-artikolu 15 tal-liġi prinċipali.

4. Minflok il-kliem "qiegħed fil-Qorti tal-Maġistrati tal-Pulizija Ġudizzjarja bħala qorti ta' istruttorja kriminali." fl-artikolu 15 tal-liġi prinċipali għandhom jidħlu l-kliem "qiegħed jagħmel kompilazzjoni taħt it-Titolu II tat-Taqsima I ta' It-Tieni Ktieb tal-Kodiċi Kriminali.".

Sostituzzjoni ta' l-artikolu 16 tal-liġi prinċipali.

5. Minflok l-artikolu 16 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Imħallfin u maġistrati ma jistgħux ikollhom karigi oħra bi ħlas. Eċċezzjonijiet.

16. L-imħallfin u l-maġistrati ma jistgħu ikollhom ebda kariga oħra bi ħlas ta' ebda xorta, lanqas temporanja, minbarra kariga ġudizzjarja f'Qorti internazzjonali jew f'korp ta' ġudikatura internazzjonali, jew il-kariga ta' eżaminatur fl-Università ta' Malta u, fil-każ ta' maġistrat, il-kariga ta' Reviżur ta' l-atti nutarili.".

Emenda ta' l-artikolu 18 tal-liġi prinċipali.

6. Fl-artikolu 18 tal-liġi prinċipali, minflok il-kliem "ġurekonsult ieħor." jidħlu l-kliem "persuna li jkollha l-kwalifiki stabbiliti bis-subartikolu (2) ta' l-artikolu 100 tal-Kostituzzjoni.".

Emenda ta' l-artikolu 19 tal-liġi prinċipali.

7. Fl-artikolu 19 tal-liġi prinċipali minflok il-kliem "tal-Qorti tal-Pulizija Ġudizzjarja" u l-kliem "ġurekonsult biex joqgħod, għal xi żmien, fil-Qorti tal-Pulizija Ġudizzjarja" għandhom jidħlu l-kliem "tal-Qorti tal-Maġistrati" u l-kliem "persuna li jkollha l-istess kwalifiki stabbiliti bis-subartikolu (2) ta' l-artikolu 100 tal-Kostituzzjoni biex joqgħod, għal xi żmien, fil-Qorti tal-Maġistrati" rispettivament.

Emenda ta' l-artikolu 20 tal-liġi prinċipali.

8. Fis-subartikolu (3) ta' l-artikolu 20 tal-liġi prinċipali minflok il-kliem "Il-ġurekonsult" għandhom jidħlu l-kliem "Min ikollu l-kwalifiki stabbiliti bis-subartikolu (2) ta' l-artikolu 100 tal-Kostituzzjoni u jiġi".

Emenda ta' l-artikolu 21 tal-liġi prinċipali.

9. Minnufih wara s-subartikolu (2) ta' l-artikolu 21 tal-liġi prinċipali għandu jiżdied dan is-subartikolu (3) ġdid li ġej:

"(3) Kull xiehda mogħtija b'affidavit għandha titniżżel fl-ilsien li l-persuna li tkun qed tagħmel l-affidavit tuża normalment. L-affidavit, meta ma jkunx bil-Malti, għandu jiġi ppreżentat flimkien ma' traduzzjoni bil-Malti, liema traduzzjoni għandha barra minn hekk tiġi kkonfermata bil-ġurament minn min jagħmilha.".

Emenda ta' l-artikolu 23 tal-liġi prinċipali.

10. Minflok l-artikolu 23 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:

"Is-sentenzi għandhom jingħataw bil-miftuħ.

23. Is-sentenzi fil-każijiet kollha għandhom jingħataw fil-pubbliku. Il-qorti li tkun qegħda tagħti sentenza għandha taqra l-parti operattiva, li tkun inkluża fil-parti konklużiva tas-sentenza. Il-parti operattiva tas-sentenza għandha tinkludi talbiet jew l-eċċezzjonijiet li jkunu ġew deċiżi u kull dikjarazzjoni maħsuba li tkun konklusiva jew vinkolanti. Minnufih malli tingħata s-sentenza, l-imħallef jew il-maġistrat għandu jdaħħal traskrizzjoni ffirmata tas-sentenza fil-proċess tal-kawża.".

11. Minflok is-subartikolu (3) ta' l-artikolu 27 tal-liġi prinċipali għandu jidħol dan is-subartikolu ġdid li ġej:— Emenda ta' l-artikolu 27 tal-liġi prinċipali.

"(3) Ir-reġistratur jinħatar mill-Prim Ministru, u l-uffiċjali tal-qorti l-oħra imsemmija fis-subartikolu (2) ta' l-artikolu 57 għandhom ikunu l-magħżulin biex jaqdu d-dmirijiet tal-kariga tagħhom mill-Ministru responsabbli għall-ġustizzja.".

12. Minflok l-artikolu 29 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:— Sostituzzjoni ta' l-artikolu 29 tal-liġi prinċipali.

"Bord tar-Regoli.

29. (1) Għandu jkun hemm Bord, magħmul mill-Prim Imħallef, bħala president li jkollu wkoll *casting vote*, minn żewġ imħallfin u maġistrat maħtura mill-President ta' Malta, mill-Avukat Ġenerali u mill-President tal-Kamra ta' l-Avukati, li jkollu l-funzjoni li jagħmel regoli, msejħin Regoli tal-Qrati, għall-għanijiet imsemmija fis-subartikolu (2) ta' dan l-artikolu.

(2) Ir-Regoli tal-Qrati jistgħu b'mod ġenerali jintgħamlu għal kull ħaġa li tolqot it-tmexxija tal-qrati bil-għan li jassiguraw amministrazzjoni tal-ġustizzja xierqa u effiċjenti, u b'mod partikolari, iżda bla ħsara għas-sens ġenerali ta' dak imsemmi qabel —

(a) sabiex jiżguraw iż-żamma ta' l-ordni u d-dekor fil-bini tal-qrati;

(b) sabiex jiġu stabbiliti l-ġranet, il-ħinijiet, it-tul u l-għadd tas-seduti tal-qrati, u kif għandhom jitqassmu l-kawżi fost l-imħallfin u l-maġistrati maħtura biex joqogħdu f'qorti partikolari jew awla relattiva u sabiex jipprovdu dwar kull ħaġa imsemmija qabel skond kif il-Bord jista' jidhirlu xieraq;

(ċ) sabiex jirregolaw kull permess għal btala, għal kull raġuni, mogħti lill-imħallfin jew lill-maġistrati, magħduda l-ħtieġa ta' awtorizzazzjoni jew approvazzjoni ta' dak il-permess mill-awtoritajiet kompetenti;

(d) sabiex jagħmlu formuli li ma jinsabux f'dan il-Kodiċi;

(e) sabiex jingħata effett għad-dispożizzjonijiet ta' l-Att dwar Proċeduri Ġudizzjarji (Użu ta' l-Ilsien Ingliż) dwar l-ilsien li bih għandhom jitmexxew il-proċeduri; Kap. 189.

(f) sabiex jipprovdu dwar atti ġudizzjarji u ħwejjeġ ta' jew li għandhom x'jaqsmu mal-prattika u proċedura li m'humiex imsemmija f'dan il-Kodiċi jew f'liġijiet oħra:

Iżda, xejn f'dawn ir-regoli m'għandu jkun ma jaqbilx ma' jew imur kontra d-dispożizzjonijiet ta' dan il-Kodiċi jew ta' liġijiet oħra.

(3) Il-Bord jista' jaġixxi minkejja li l-post ta' xi membru tiegħu jisfa battal, iżda m'għandux jaġixxi jekk għall-inqas il-Prim Imħallef u membru ieħor ma jkunux preżenti.

(4) Regoli magħmulin bis-saħħa ta' dan l-artikolu huma suġġetti għall-approvazzjoni tal-President ta' Malta u jibdew iseħħu minn meta jiġu pubblikati fil-Gazzetta, skond kif jiġi speċifikat.

(5) Il-Ministru responsabbli għall-ġustizzja jista' permezz ta' regolamenti li jagħmel jagħti lill-Bord aktar setgħat u funzjonijiet li jwasslu għal titjib fl-amministrazjoni tal-ġustizzja.

(6) L-imħallfin u l-maġistrati għandhom jiltaqgħu, bħala korpi separati, sabiex jiddiskutu u jfittxu soluzzjonijiet prattiċi għall-problemi li jinqalgħu dwar l-amministrazzjoni tal-ġustizzja; sabiex jagħmlu rakkomandazzjonijiet dwarhom lill-Ministru responsabbli għall-ġustizzja, u sabiex jikkordinaw it-tmexxija ta' proċedimenti u s-smigħ ta' kawżi u sabiex jiżguraw li t-tmexxija ta' proċedimenti u s-smigħ ta' kawżi f'kull qorti tkun taqbel ma' dawk tal-qrati l-oħra. Dawn il-laqgħat għandhom isiru kull meta jenħtieġu u jkun il-Prim Imħallef li jlaqqagħhom u jippresidihom, kif ukoll li jirregola l-proċedimenti. Għandhom jinżammu l-minuti ta' dawn il-laqgħat u tal-Bord b'mod regolari u ma' tmiem kull sena tal-qrati l-Prim Imħallef għandu jibgħat lill-Ministru responsabbli għall-ġustizzja rapport dettaljat dwar id-deċiżjonijiet li jkunu ttieħdu, ir-rakkomandazzjonijiet li jkunu saru u s-soluzzjonijiet imfittxija.

(7) Mingħajr ħsara għad-dispożizzjonijiet ta' qabel dan l-artikolu, u għal kull regola jew regolament magħmulin bis-saħħa tiegħu, l-imħallfin u l-maġistrati għandhom is-setgħa li jirregolaw it-tmexxija tal-proċedimenti u tas-smigħ tal-kawżi fil-qrati rispettivi li fihom joqogħdu, u li jagħtu ordnijiet dwar il-bon ordni fis-seduti tal-qorti, skond il-liġi.".

Sostituzzjoni ta' l-artikolu 32 tal-liġi prinċipali.

13. Minflok l-artikolu 32 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:

"Prim Awla tal-Qorti Ċivili. Kif hija kkostitwita u l-ġurisdizzjoni tagħha.

32. (1) Wieħed mill-imħallfin joqgħod fil-Prim' Awla tal-Qorti Ċivili.

(2) Il-Prim' Awla tal-Qorti Ċivili taqta' l-kawżi kollha ta' natura ċivili u kummerċjali, u dawk il-kawżi l-oħra kollha li l-liġi tgħid espressament li għandha tieħu konjizzjoni tagħhom jew li s'issa dik il-Qorti, jew il-Qorti tal-Kummerċ, ħadet konjizzjoni tagħhom, sakemm dan il-Kodiċi jew xi liġi oħra ma jkunux ipprovdew mod ieħor.

(3) Iżda din il-qorti ma tieħux konjizzjoni ta' kawżi ta' kompetenza tal-qrati inferjuri tal-Gżira ta' Malta ħlief meta dawn il-kawżi ma jkunux saru minn jew kontra l-Gvern ta' Malta, f'liema każ, il-Prim' Awla tal-Qorti Ċivili, fil-limiti tal-kompetenza ta' dawn il-qrati inferjuri, għandha magħhom kompetenza konkorrenti, bla ħsara għal kull dispożizzjoni oħra tal-liġi.".

14. Fl-artikolu 34 tal-liġi prinċipali, minflok il-kliem "Mis-sentenzi" għandhom jidħlu l-kliem "Ħlief meta jkun hemm provdut mod ieħor f'dan il-Kodiċi jew f'kull liġi oħra, mis-sentenzi". Emenda ta' l-artikolu 34 tal-liġi prinċipali.

15. L-artikoli 36, 37 u 38 tal-liġi prinċipali għandhom jitħassru. Tħassir ta' l-artikoli 36, 37 u 38 tal-liġi prinċipali.

16. Minflok is-subartikolu (1) ta' l-artikolu 39A tal-liġi prinċipali għandu jidħol dan is-subartikolu ġdid li ġej: Emenda ta' l-artikolu 39A tal-liġi prinċipali.

"(1) Minkejja d-dispożizzjonijiet tas-subartikolu (1) ta' l-artikolu 32 u ta' l-artikolu 33, il-Prim' Awla tal-Qorti Ċivili u s-Sekond' Awla tal-Qorti Ċivili jistgħu jkunu komposti minn iktar minn sezzjoni waħda, skond kif il-President ta' Malta jista' b'ordni jistabbilixxi.".

17. L-artikolu 40 tal-liġi prinċipali għandu jitħassar. Tħassir ta' l-artikolu 40 tal-liġi prinċipali.

18. L-artikolu 41 tal-liġi prinċipali għandu jiġi emendat kif ġej:— Emenda ta' l-artikolu 41 tal-liġi prinċipali.

(a) fis-subartikolu (5) tiegħu, il-kliem "tal-Qorti tal-Kummerċ;" u ", bla ħsara tad-dispożizzjonijiet ta' l-artikoli 51 u 52" għandhom jitħassru;

(b) fis-subartikolu (6) tiegħu, minflok il-kliem "tal-Qorti tal-Maġistrati tal-Pulizija Gudizzjarja għall-Gżira ta' Malta" għandhom jidħlu l-kliem "tal-Qorti tal-Maġistrati (Malta) u tal-Qorti tal-Maġistrati (Għawdex) fil-kompetenza inferjuri tagħha"; u

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

"(7) Meta l-Qorti ta' l-Appell tkun ser tisma' appelli mill-Qorti tal-Maġistrati (Għawdex) fil-kompetenza inferjuri tagħha, dik is-seduta għandha ssir fil-bini tal-Qrati ta' Għawdex, u għall-finijiet ta' dawk l-appelli r-reġistru tal-Qorti tal-Maġistrati (Għawdex) għandu wkoll ikun ir-Reġistru tal-Qorti ta' l-Appell.".

19. L-artikolu 43 tal-liġi prinċipali għandu jitħassar. Tħassir ta' l-artikolu 43 tal-liġi prinċipali.

20. Minflok l-artikolu 46 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:— Sostituzzjoni ta' l-artikolu 46 tal-liġi prinċipali.

"Riserva.

46. Id-dispożizzjonijiet ta' l-artikolu 34 u tas-subartikolu (6) ta' l-artikolu 41 ikunu bla ħsara għad-dispożizzjonijiet tas-subartikolu (4) ta' l-artikolu 46 u tas-subartikolu (2) ta' l-artikolu 95 tal-Kostituzzjoni ta' Malta u tas-subartikolu (4) ta' l-artikolu 4 ta' l-Att dwar il-Konvenzjoni Ewropea.".

Kap. 319.

Emenda ta' l-artikolu 47 tal-liġi prinċipali.

21. Fis-subartikoli (1) u (3) ta' l-artikolu 47 minflok il-kliem "mitejn u ħamsin lira Maltin" għandhom fiż-żewġ każi jidħlu l-kliem "elf lira".

Emenda ta' l-artikolu 48 tal-liġi prinċipali.

22. Fl-artikolu 48 tal-liġi prinċipali minflok il-kliem "mitejn u ħamsin lira Maltin" għandhom jidħlu l-kliem "elf lira".

Emenda ta' l-artikolu 49 tal-liġi prinċipali.

23. Fl-artikolu 49 tal-liġi prinċipali minflok il-kliem "fis-subartikolu (2)" għandhom jidħlu l-kliem "fis-subartikolu (6)".

Emenda ta' l-artikolu 50 tal-liġi prinċipali.

24. L-artikolu 50 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, il-kliem "bħala qorti ta' l-ewwel grad, u" għandhom jitħassru;

(b) fis-subartikolu (2) tiegħu, il-kliem "bħala qorti ta' l-ewwel grad," għandhom jitħassru;

(ċ) minflok il-paragrafu (b) tas-subartikolu (2) tiegħu, għandu jidħol dan il-paragrafu ġdid li ġej:

"(b) attribuzzjoni superjuri, li bis-saħħa tagħha, bla ħsara għad-dispożizzjonijiet ta' l-artikolu 46 tal-Kostituzzjoni ta' Malta u ta' l-artikolu 4 ta' l-Att dwar il-Konvenzjoni Ewropea, tieħu konjizzjoni tal-kawżi kollha tax-xorta ta' dawk illi, skond l-artikolu 32, huma ta' kompetenza tal-Prim' Awla tal-Qorti Ċivili."; u

Kap. 319.

(d) is-subartikoli (3), (4) u (5) tiegħu għandhom jitħassru.

Tħassir ta' l-artikoli 51 u 52 tal-liġi prinċipali.

25. L-artikoli 51 u 52 tal-liġi prinċipali għandhom jitħassru.

Emenda ta' l-artikolu 55 tal-liġi prinċipali.

26. Fl-artikolu 55 tal-liġi prinċipali minflok il-kelma "ġurekonsulti." għandhom jidħlu l-kliem "persuni li jkollhom il-kwalifiki stabbiliti bis-subartikolu (2) ta' l-artikolu 100 tal-Kostituzzjoni.".

Sostituzzjoni ta' l-artikolu 56 tal-liġi prinċipali.

27. Minflok l-artikolu 56 tal-liġi prinċipali għandu jidħol dan li ġej:—

"56. Id-dispożizzjoni ta' l-artikolu 49 tkun mingħajr ħsara għad-dispożizzjoni tas-subartikolu (4) ta' l-artikolu 46 u tas-subartikolu (2) ta' l-artikolu 95 tal-Kostituzzjoni ta' Malta, u tas-subartikolu (4) ta' l-artikolu 4 ta' l-Att dwar il-Konvenzjoni Ewropea.".

Kap. 319.

Sostituzzjoni ta' l-artikolu 57 tal-liġi prinċipali.

28. Minflok l-artikolu 57 tal-liġi prinċipali għandu jidħol dan li ġej:—

"Dmirijiet tar-Reġistratur fil-Qrati Superjuri u Inferjuri.

57. (1) Ir-Reġistratur ikollu l-funzjonijiet, setgħat u dmirijiet mogħtija lilu bid-dispożizzjonijiet ta' dan il-Kodiċi u jkollu taħt ir-responsabbiltà diretta tiegħu r-reġistru u l-uffiċjali ta' l-istess reġistru. L-uffiċjali msemmija fis-subartikolu (2) ta' dan l-artikolu u l-uffiċjali eżekuttivi tal-Qorti għandhom ikunu taħt il-kontroll amministrattiv tar-reġistratur.

(2) (a) Ir-reġistratur għandu jkun assistit fil-qadi ta' dmirijietu taħt dan il-Kodiċi minn dawn l-uffiċjali li ġejjin:

(i) assistent reġistratur prinċipali;

(ii) assistenti reġistraturi;

(iii) deputati reġistraturi;

(iv) skrivani ta' l-awla.

(b) Il-Ministru responsabbli għall-ġustizzja jista' jagħmel regolamenti biex iżid jew iħassar mil-lista ta' uffiċjali li tinsab fil-paragrafu (a) ta' dan l-artikolu jew li jissostitwiha u jista' wkoll f'dawk ir-regolamenti jispeċifika d-dmirijiet li jistgħu jitwettqu mill-uffiċjali fil-lista kif tkun tinsab f'dawk ir-regolamenti jew tkun ġiet emendata bihom.

(3) Bla ħsara tad-dispożizzjonijiet ta' dan il-Kodiċi u tar-regoli magħmulin taħt l-artikolu 29, ir-reġistratur għandu jieħu l-ordnijiet mingħand l-awtorità ġudizzjarja dwar kull proċediment ġudizzjarju u dwar kull att ġudizzjarju, jiġifieri:

(a) fil-qrati superjuri, fi ħwejjeġ li għandhom x'jaqsmu ma' qorti partikolari, għandu jieħu l-ordnijiet mill-imħallef, jew mill-imħallfin, jekk ikunu tnejn jew iżjed, ta' dik il-qorti; f'każijiet oħra, għandu jieħu l-ordnijiet mill-Prim Imħallef;

(b) fil-qrati inferjuri, għandu jieħu l-ordnijiet mill-maġistrati tal-qorti partikolari, jew, jekk il-maġistrati maħtura biex joqogħdu f'qorti partikolari huma tnejn jew iżjed, u l-kwistjoni ma tkunx tirrigwarda l-affarijiet ta' wieħed minnhom partikolarment, mill-maġistrat anzjan.".

Sostituzzjoni ta' l-artikolu 58 tal-liġi prinċipali.

29. Minflok l-artikolu 58 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Id-dmirijiet għandhom jiġu esegwiti f'parti mir-reġistratur innifsu u f'parti minn uffiċjali oħra tar-reġistru.

58. (1) Id-dmirijiet tar-reġistratur tal-Qrati Superjuri u Inferjuri għandhom jiġu esegwiti, f'parti minnu innifsu, u f'parti bħal ma jingħad fir-regoli magħmulin bis-saħħa ta' l-artikolu 29 ta' dan il-Kodiċi, jew, jekk ma jkunx hemm dawk ir-regoli, b'ordnijiet speċjali tal-Ministru responsabbli għall-ġustizzja, jew, fin-nuqqas ta' dawk u ta' dawn, b'ordni ta' l-istess reġistratur, minn kull uffiċjal tal-qorti ieħor imsemmi fis-subartikolu (2) ta' l-artikolu 57 illi jistgħu jesegwixxu kull wieħed mid-dmirijiet li għandu r-reġistratur.

(2) Id-dmirijiet tar-reġistratur f'kull waħda mill-qrati, waqt is-seduti tagħha, jiġu esegwiti, kemm-il darba fir-regoli hawn fuq imsemmija jew f'ordnijiet tal-Ministru responsabbli għall-ġustizzja ma jkunx provdut xort'oħra, mill-assistent reġistratur prinċipali, assistent reġistratur jew deputat reġistratur.

(3) Ir-reġistratur u l-uffiċjali msemmija fis-subparagrafi (i) sa (iii) tal-paragrafu (a) tas-subartikolu (2) ta' l-artikolu 57 ikollhom is-setgħa li jagħtu ġuramenti u għandhom, għall-finijiet ta' l-Ordinanza dwar il-Kummissjunarji b'setgħa li jagħtu Ġurament, ikunu *ex officio* Kummissjunarji b'setgħa li jagħtu Ġurament.".

Kap. 79.

Sostituzzjoni ta' l-artikolu 60 tal-liġi prinċipali.

30. Minflok l-artikolu 60 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:

"Ġurament tar-Reġistratur.

60. (1) Meta r-reġistratur jidħol għad-dmirijiet tal-kariga tiegħu, huwa għandu jieħu quddiem il-Qorti ta' l-Appell il-ġurament ta' lealtà imsemmi fl-artikolu 10, u l-ġurament tal-kariga skond il-formula li ġejja:

Jiena ..... naħlef li nagħmel bil-ħaqq u bis-sewwa u bir-reqqa kollha d-dmirijiet ta' Reġistratur tal-Qrati, mill-aħjar li nista' u li naf, u bl-aħjar ħila tiegħi. Hekk Alla jgħinni.

(2) Għal kull uffiċjal ieħor imsemmi fil-paragrafi (i) sa (iii) tal-paragrafu (a) tas-subartikolu (2) ta' l-artikolu 57, tgħodd l-istess formula ta' ġurament, iżda fiha għandha tiġi msemmija l-kariga jew ħatra tagħhom.".

Emenda ta' l-artikolu 64 tal-liġi prinċipali.

31. L-artikolu 64 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) id-dispożizzjoni preżenti għandha tiġi enumerata mill-ġdid bħala s-subartikolu (1) tiegħu;

(b) fis-subartikolu (1) tiegħu kif enumerat mill-ġdid, minflok il-kliem "wara li jagħlaq xahar." għandhom jidħlu l-kliem "wara li jagħlaq xahar. Dik l-azzjoni għandha tinbeda b'rikors li għandu jiġi trattat sommarjament mill-qorti."; u

(ċ) minnufih wara s-subartikolu (1) tiegħu kif enumerat mill-ġdid għandhom jiżdiedu dawn is-subartikoli li ġejjin:—

"(2) Ir-rikorrent għandu jara li kopja tar-rikors għandha tiġi notifikata lil kull min ikollu interess fih, li mbagħad ikollu għoxrin jum li matulhom ikun jista' jippreżenta risposta.

(3) Il-proċeduri bil-miktub li għandhom x'jaqsmu mar-rikors għandhom jitqiesu magħluqin meta ssir ir-risposta jew jekk din ma ssirx, meta jagħlaq iż-żmien mogħti għaliha. Il-partijiet għandhom jiġu notifikati bid-data meta jkun ser jinstema' r-rikors.".

32. Minflok is-subartikolu (1) ta' l-artikolu 66 tal-liġi prinċipali għandu jidħol dan is-subartikolu ġdid li ġej:— Emenda ta' l-artikolu 66 tal-liġi prinċipali.

"(1) Fil-każ ta' assenza jew impediment ieħor leġittimu tar-reġistratur, min ikun hemm bħala uffiċjal l-iktar anzjan minn fost l-uffiċjali msemmija fil-paragrafi (i) sa (ii) tal-paragrafu (a) tas-subartikolu (2) ta' l-artikolu 57 jagħmel minflok ir-reġistratur, kemm-il darba l-Prim Ministru ma jaħtarx persuna oħra.".

33. L-artikolu 67 tal-liġi prinċipali għandu jiġi emendat kif ġej:— Emenda ta' l-artikolu 67 tal-liġi prinċipali.

(a) is-subartikoli (1) u (2) tiegħu għandhom jiġu rispettivament enumerati mill-ġdid bħala s-subartikoli (2) u (3) tiegħu; u

(b) dan is-subartikolu ġdid li ġej għandu jidħol bħala s-subartikolu (1) tiegħu:

"(1) L-uffiċjali esekuturi tal-qrati jkunu dawn li ġejjin:

(a) Marixxalli —

(i) marixxalli prinċipali;

(ii) marixxalli anzjani;

(iii) marixxalli;

(b) purtieri;

(ċ) messaġġiera tal-qorti:

Iżda fil-każ tal-Qorti tal-Maġistrati (Għawdex), il-Ministru responsabbli għall-ġustizzja jista' b'ordni pubblikat fil-Gazzetta jaħtar lil kull uffiċjal ieħor biex iwettaq id-dmirijiet ta' uffiċjal esekutur tal-qrati.".

34. Minflok l-artikolu 68 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:— Sostituzzjoni ta' l-artikolu 68 tal-liġi prinċipali.

"Dmirijiet oħra tal-marixxalli.

68. (1) Il-marixxalli għandhom ukoll id-dmir li jżommu l-bon ordni u l-imġieba xierqa ġewwa l-edifizzju tal-qrati.

(2) Mingħajr preġudizzju għad-dispożizzjonijiet ta' l-artikolu 72, kull marixxal għandu jkollu, fil-limiti ta' l-edifizzju tal-qrati u ta' kull uffiċċju, bini jew fond ieħor okkupat mir-Reġistratur tal-Qrati jew taħt is-sorveljanza tiegħu, is-setgħa li jwettaq dawk il-funzjonijiet, setgħat u dmirijiet kollha li skond il-liġi tista' twettaq il-Pulizija.

(3) Bla ħsara għad-dispożizzjonijiet ta' l-artikoli 990 u 992, meta Marixxall iżomm jew jarresta lil xi ħadd għal xi reat li jsir fil-limiti ta' edifizzju kif imsemmi fis-subartikolu ta' qabel dan, huwa għandu minnufih iġib lil min jikser il-liġi quddiem maġistrat filwaqt li jixlih bi ksur tal-bon ordni u mġieba mhux xierqa ġewwa l-edifizzju tal-Qorti u jekk il-qorti, wara li tisma' l-każ sommarjament, issib lil dik il-persuna ħatja ta' ksur tal-bon-ordni u l-imġieba xierqa ġewwa l-edifizzju tal-qrati, il-Qorti għandha tikkundanna lil dik il-persuna għal xi piena msemmija fl-artikolu 990.".

Emenda ta' l-artikolu 69 tal-liġi prinċipali.

35. Minflok is-subartikolu (1) ta' l-artikolu 69 tal-liġi prinċipali għandu jidħol dan li ġej:—

"(1) Ħlief għad-dmirijiet imsemmija fis-subartikolu (2) ta' l-artikolu 68, il-marixxalli jesegwixxu d-dmirijiet tagħhom huma nfushom jew bil-mezz ta' l-uffiċjali esekuturi tal-qorti imsemmija fis-subartikolu (1) ta' l-artikolu 67 skond ir-regoli magħmula taħt l-artikolu 29, jew, fin-nuqqas ta' dawn ir-regoli, skond l-ordnijiet, ukoll bil-fomm, ta' l-imħallfin jew maġistrati kif jingħad fl-artikolu 57.".

Emenda ta' l-artikolu 70 tal-liġi prinċipali.

36. L-artikolu 70 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) l-artikolu 70 għandu jiġi enumerat mill-ġdid bħala s-subartikolu (1) tiegħu; u

(b) għandu jiżdied dan is-subartikolu ġdid li ġej minnufih wara s-subartikolu (1) tiegħu:

"(2) Bla ħsara għad-dispożizzjonijiet ta' l-artikolu 992, jekk persuna xjentement tevita, tfixkel jew tirrifjuta s-servizz ta' xi att jew ordni tal-qorti jew l-eżekuzzjoni ta' xi mandat jew ordni li ssir minn uffiċjal esekutur tal-qorti, ikun ħati ta' disprezz tal-qorti u jista' jeħel, meta jinstab ħati, il-pieni msemmija fl-artikolu 990.".

Emenda ta' l-artikolu 78 tal-liġi prinċipali.

37. Minflok is-subartikolu (1) ta' l-artikolu 78 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:

"(1) Sakemm ma jinħatarx uffiċjal ieħor mill-Ministru responsabbli għall-ġustizzja, ir-reġistratur huwa *ex officio* l-Arkivist tal-Qrati Superjuri u Inferjuri.".

Emenda ta' l-artikolu 79 tal-liġi prinċipali.

38. L-artikolu 79 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikoli (2), (3) u (4) tiegħu għandhom jitħassru; u

(b) is-subartikolu (1) tiegħu għandu jiġi enumerat mill-ġdid bħala l-artikolu 79.

Emenda ta' l-artikolu 80 tal-liġi prinċipali.

39. Fl-artikolu 80 tal-liġi prinċipali minflok il-kelma "misjuba" għandha tidħol il-kelma "msemmija".

40. Fil-paragrafu (d) ta' l-artikolu 81 tal-liġi prinċipali minflok il-kliem "wara l-31 ta' Diċembru" għandhom jidħlu l-kliem "wara l-bidu". Emenda ta' l-artikolu 81 tal-liġi prinċipali.

41. Minflok il-kliem "L-avukati ma jistgħux" fl-artikolu 82 tal-liġi prinċipali għandhom jidħlu l-kliem "Ħlief kif jista' jiġi provdut f'regolamenti magħmula taħt l-artikolu 1004, l-avukati ma jistgħux". Emenda ta' l-artikolu 82 tal-liġi prinċipali.

42. Fis-subartikolu (3) ta' l-artikolu 84 tal-liġi prinċipali, minflok il-kliem "lir-reġistraturi tal-qrati tal-ġustizzja" għandhom jidħlu l-kliem "lir-reġistratur tal-qrati tal-ġustizzja". Emenda ta' l-artikolu 84 tal-liġi prinċipali.

43. Fl-artikolu 86 tal-liġi prinċipali minflok il-kelma "miġjuba" għandha tidħol il-kelma "msemmija". Emenda ta' l-artikolu 86 tal-liġi prinċipali.

44. Fil-paragrafu (d) ta' l-artikolu 87 tal-liġi prinċipali minflok il-kliem "wara l-31 ta' Diċembru" għandhom jidħlu l-kliem "wara l-bidu". Emenda ta' l-artikolu 87 tal-liġi prinċipali.

45. Minflok is-subartikolu (1) ta' l-artikolu 89 tal-liġi prinċipali għandu jidħol dan li ġej:— Sostituzzjoni ta' l-artikolu 89 tal-liġi prinċipali.

"(1) Għandu jkun hemm tliet gruppi, wieħed magħmul minn mhux inqas minn tnax-il avukat, ieħor magħmul minn mhux inqas minn sitt prokuraturi legali u ieħor magħmul minn mhux inqas minn sitt *accountants*, minbarra esperti oħra magħżulin mill-Ministru responsabbli għall ġustizzja sabiex jaqdu d-dmirijiet ta' kuraturi, avukati jew prokuraturi legali *ex officio*, u ta' *accountants* jew esperti oħra,. fil-qrati superjuri u fil-Qorti tal-Maġistrati (Malta), kull meta jkun meħtieġ skond dan il-Kodiċi.".

46. Minflok l-artikolu 91 tal-liġi prinċipali għandu jidħol dan li ġej:— Emenda ta' l-artikolu 91 tal-liġi prinċipali.

"Pubblikazzjoni ta' l-elenku tal-kuraturi *ex officio*, eċċ.

91. Elenku tal-membri fil-gruppi maħturin kif imsemmi qabel għandu jitwaħħal fir-Reġistru tal-Qrati Superjuri u fir-Reġistru tal-Qorti tal-Maġistrati (Għawdex), u għandu jiġi pubblikat fil-Gazzetta.".

47. Fl-artikolu 95 tal-liġi prinċipali minflok il-kliem "bil-benefiċċju ta' għajnuna legali," għandhom jidħlu l-kliem "bil-benefiċċju ta' għajnuna legali, jew li jkunu parti fil-proċedimenti jew li jkomplu dawk il-proċedimenti b'dak il-benefiċċju,". Emenda ta' l-artikolu 95 tal-liġi prinċipali.

48. Minflok l-artikolu 96 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:— Sostituzzjoni ta' l-artikolu 96 tal-liġi prinċipali.

"Prevarikazzjoni jew traskuraġni ta' kuraturi.

96. F'każ ta' mġieba ħażina jew traskuraġni minn kuratur maħtur mill-elenku biex jaqdi d-dmirijiet ta' kuratur jew ta' avukat għall-għajnuna legali, jew f'każ li ssir oġġezzjoni raġonevoli għall-istess kuratur, il-qorti tista' tnehhih mill-qadi ta' dmirijietu u taħtar floku kuratur ieħor mill-elenku:

Iżda l-qorti tista', permezz tar-reġistratur, tikkomunika lill-Ministru responsabbli għall-ġustizzja id-digriet tagħha.".

Żieda ta' Titolu XI ġdid mal-liġi prinċipali.

49. Minnufih wara l-artikolu 97 tal-liġi prinċipali għandu jiżdied dan it-titolu ġdid li ġej:

"TITOLU XI
FUQ L-ASSISTENTI ĠUDIZZJARJI

Ħatra ta' Assistenti Ġudizzjarji.

97A. (1) Il-President ta' Malta għandu jaħtar assistenti ġudizzjarji biex iwettqu dawk il-funzjonijiet li huma mogħtija lilhom b'dan il-Kodiċi jew b'kull liġi oħra.

(2) L-assistenti ġudizzjarji għandhom jinħatru minn fost persuni li jkollhom il-*warrant* ta' avukat.

(3) Il-funzjonijiet ta' l-assistenti ġudizzjarji għandhom jinkludu dan li ġej:—

(a) li jassistu fil-proċess ġudizzjarju u fuq talba tal-Qoti li jipparteċipaw fil-proċedimenti li jkunu pendenti quddiem qorti superjuri, magħdud kull xogħol ta' riċerka jew xogħol ieħor meħtieġ għaldaqshekk, u sabiex iwettqu dawk id-dmirijiet u jħaddmu dawk is-setgħat li huma jistgħu jkunu meħtieġa jew awtorizzati li jwettqu minn dik il-qorti;

(b) li jagħtu ġuramenti;

(ċ) li jieħdu x-xieħda ta' kull persuna li tinġieb b'xhud waqt kull proċediment;

(d) li jieħdu kull affidavit fuq kull ħaġa, inkluża ħaġa li jkollha x'taqsam ma' kull proċedimenti li jkunu ttieħdu jew li jkun hemm il-ħsieb li jittieħdu quddiem xi qorti superjuri jew quddiem qorti jew tribunal ta' kompetenza ċivili mwaqqfa b'liġi;

(e) li jirċievu dokumenti prodotti ma' kull xieħda, affidavit jew dikjarazzjoni, inklużi b'mod partikolari xieħda, affidavit jew dikjarazzjoni kif imsemmija f'dan il-Kodiċi.

(4) Fil-qadi tal-funzjonijiet tagħhom l-assistenti ġudizzjarji għandhom jiġu assenjati f'qorti u għandhom jaġixxu taħt id-direzzjoni u l-kontroll tal-qorti li quddiemha jkun hemm il-każ pendenti,u għandu, b'żieda ma' kull setgħa li jistgħu leġittimament jingħataw minn dik il-qorti, jkollhom is-setgħa li jordnaw l-attendenza ta' kull persuna sabiex tixhed jew tagħmel affidavit jew dikjarazzjoni, jew iġġib dokumenti, f'dak il-post u ħin li jistgħu jiġu speċifikati fl-ordni.

Ġurament tal-ħatra, rimunerazzjoni u tneħħija ta' assistenti ġudizzjarji.

97B. (1) Assistent ġudizzjarju ma jibdiex iwettaq il-funzjonijiet tal-kariga tiegħu qabel ma jieħu, quddiem il-Qorti ta' l-Appell, il-ġurament tal-ħatra kif ġej:

"Jien .....
naħlef li fedelment u bl-onesta kollha u bl-aħjar ħila tiegħi inwettaq id-dmirijiet ta' assistent ġudizzjarju hekk kif stabbiliti bil-liġi.".

(2) Id-dispożizzjonijiet tas-Sub-titolu II tat-Titolu II tat-Tielet Ktieb għandhom ukoll japplikaw għall-assistenti ġudizzjarji, b'dan illi d-deċiżjoni fuq kull ħaġa bħal din għandha tittieħed mill-Qorti li quddiemha jkun hemm il-każ pendenti.

Deċiżjonijiet mill-assistenti ġudizzjarji.

97C. Bla ħsara għad-dispożizzjonijiet tas-subartikolu (2) ta' l-artikolu 97B meta fi proċedimenti quddiem assistent ġudizzjarju titqajjem xi kwistjoni dwar jew in konnessjoni ma' l-istess proċedimenti, il-kwistjoni għandha fl-ewwel lok tiġi deċiża mill-assistent ġudizzjarju li mingħajr dewmien però fi kwalunkwe każ mhux aktar tard minn tlett ijiem mindu jagħti l-imsemmija deċiżjoni għandu jinforma lill-Qorti biha, u d-deċiżjoni ta' l-assistent ġudizzjarju għandha torbot sakemm il-qorti, b'digriet, ma tiddeċidix mod ieħor.".

50. L-artikolu 106 tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 106 tal-liġi prinċipali.

(a) is-subartikolu (2) tiegħu għandu jitħassar; u

(b) is-subartikolu (1) tiegħu għandu jiġi enumerat mill-ġdid bħala l-artikolu 106.

51. Il-proviso li hemm għall-artikolu 107 tal-liġi prinċipali għandu jitħassar.

Emenda ta' l-artikolu 107 tal-liġi prinċipali.

52. Minflok l-artikolu 109 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

Sostituzzjoni ta' l-artikolu 109 tal-liġi prinċipali.

"Meta jinżammu s-seduti, eċċ.

109. (1) Jistgħu isiru seduti tal-qorti mit-Tnejn sal-Ġimgħa ta' kull ġimgħa fiż-żmien stabbilit fis-subartikolu (2) ta' dan l-artikolu għall-ftuħ tar-registri tal-qorti u matul kull żmien ieħor li l-qorti tista' tappunta:

Iżda ħlief b'ordni speċjali tal-qorti, fil-każ ta' urġenza jew għal raġunijiet oħra li jitqiesu suffiċjenti mill-qorti, ma għandha ssir ebda seduta nhar ta' Sibt, fil-vaganzi pubbliċi kif provdut fl-Att dwar il-Festi Nazzjonali u Btajjel Pubbliċi oħra, kif ukoll l-Erbgħa u l-Ħamis tal-Ġimgħa Mqaddsa.

Kap. 252.

(2) Ir-reġistru tal-Qrati Superjuri u r-reġistri tal-Qrati Inferjuri għandhom jinfetħu għall-preżentata ta' atti ġudizzjarji f'dawk il-ġranet u matul dawk il-ħinijiet li l-Ministru responsabbli għall-ġustizzja jista' permezz ta' regolamenti jistabilixxi:

Iżda kull wieħed mir-reġistri msemmija qabel jista' b'ordni speċjali tal-qorti jew b'ordni mogħti bil-miktub mir-reġistratur, jinfetaħ għall-preżentata ta' atti ġudizzjarji f'kull jum jew ħin li jkun.

(3) Ir-reġistratur għandu jikkonforma ruhu u jwettaq għal kollox kull ordni tal-Qorti biex huwa jiftaħ l-edifizzju tal-qorti f'kull jum u f'kull ħin hekk kif il-Qorti tista' tispeċifika fl-ordni.

(4) Att ġudizzjarju jista' jiġi notifikat jew esegwit mit-Tnejn sas-Sibt ta' kull ġimgħa u matul il-ħinijiet imsemmija fis-subartikolu (1) ta' l-artikolu 280:

Iżda b'ordni speċjali tal-qorti jew b'ordni mogħti bil-miktub mir-reġistratur f'każijiet urġenti, att ġudizzjarju jista' jiġi notifikat jew esegwit f'kull ġurnata oħra jew f'kull ħin ieħor:

Iżda wkoll, meta, taħt regolamenti magħmulin bis-saħħa tas-subartikolu (8) ta' l-artikolu 187, in-notifika għandha ssir minn uffiċjali ta' l-Uffiċċju tal-Posta, dik in-notifika tista', minkejja kull dispożizzjoni oħra, issir f'dawk il-ġranet u ħinijiet li matulhom dawk l-uffiċjali jkunu qegħdin jaqdu dmirijithom skond ir-regoli ta' l-Uffiċċju tal-Posta.

(5) Ir-reġistratur ma għandux jirrifjuta li jagħti ordni bis-saħħa tas-subartikoli (2) jew (4) ta' dan l-artikolu sakemm huwa ma jkunx irrefera l-kwistjoni lill-qorti kompetenti għad-deċiżjoni tagħha.".

Emenda ta' l-artikolu 116 tal-liġi prinċipali.

53. Fl-artikolu 116 tal-liġi prinċipali minflok il-kliem "lill-avukati, lill-partijiet f'kawża jew lil nies oħra" għandhom jidħlu l-kliem "lill-avukat, lill-prokuraturi legali, lill-partijiet f'kawża jew lil nies oħra".

Emenda ta' l-artikolu 121 tal-liġi prinċipali. ,

54. L-artikolu 121 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) fis-subartikolu (2) tiegħu, minflok il-kliem "fl-ewwel ta' Lulju u jispiċċa fit-tletin ta' Settembru" għandhom jidħlu l-kliem "fis-sittax ta' Lulju u jispiċċa fil-ħmistax ta' Settembru"; u

(b) minflok is-subartikolu (4) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:

"(4) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (3) ta' dan l-artikolu, għandu jkun hemm ferjat fil-qrati inferjuri matul ix-xahar ta' Awissu ta' kull sena.".

Emenda ta' l-artikolu 125 tal-liġi prinċipali.

55. Fis-subartikolu (1) ta' l-artikolu 125 tal-liġi prinċipali il-kliem "b'libell, b'petizzjoni," għandhom jitħassru.

Sostituzzjoni ta' l-intestatura tat-Titolu I tat-Taqsima I ta' It-Tieni Ktieb tal-liġi prinċipali.

56. Minflok l-intestatura tat-Titolu I tat-Taqsima I ta' It-Tieni Ktieb tal-liġi prinċipali għandu jidħol dan it-titolu li ġej:—

"Fuq il-Proċediment b'Rikors biex isir Appell".

Thassir ta' l-artikoli 126 sa 141 tal-liġi prinċipali.

57. L-artikoli 126 sa 141 tal-liġi prinċipali għandhom jitħassru.

Emenda ta' l-artikolu 142 tal-liġi prinċipali.

58. Fl-artikolu 142 tal-liġi prinċipali minflok il-kliem "b'petizzjoni" fis-subartikolu (1) tiegħu għandhom jidħlu l-kliem "b'rikors", u minflok il-kliem "Il-petizzjoni għandu jkun fiha" fis-subartikolu (2) tiegħu għandhom jidħlu l-kliem "Ir-rikors għandu jkun fih".

Sostituzzjoni ta' l-artikolu 143 tal-liġi prinċipali.

59. Minflok l-artikolu 143 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"X'għandu jkun fih ir-rikors fl-appell.

143. (1) Ir-rikors għat-thassir tas-sentenza għandu jkun fih riferenza għat-talba u għas-sentenza li tkun qegħda tiġi appellata flimkien ma' raġunijiet dettaljati li għalihom ikun qiegħed isir l-appell u fih għandu jintalab li dik it-talba tiġi milqugħa jew miċħuda.

(2) Ir-rikors għat-tibdil tas-sentenza għandu jkun fih riferenza għat-talba u għas-sentenza li tkun qegħda tiġi appellata u għandu jfisser, wieħed wieħed għalih, il-kapi tas-sentenza li jsir ilment minnhom flimkien ma' raġunijiet dettaljati għaliex ikun qiegħed isir l-appell u, fl-għeluq tiegħu, għandu jingħad, speċifikatament, it-tibdil tas-sentenza li jintalab dwar kull kap.

(3) Ir-rikors għat-thassir, annullament jew tibdil ta' digriet għandu jkun fih riferenza għall-kontenut tad-digriet li jkun qed jiġi appellat flimkien ma' raġunijiet dettaljati għal dak it-thassir, annullament jew tibdil.

(4) Fil-każijiet imsemmija f'dan l-artikolu talba għal thassir għandha titqies li tinkludi talba għal annullament u tibdil tas-sentenza jew tad-digriet, u talba għal annullament għandha titqies li tinkludi talba għal thassir u tibdil tas-sentenza jew tad-digriet.

(5) In-nuqqas ta' tharis ta' dak li hu meħtieġ skond is-subartikolu (1), (2) u (3) ta' dan l-artikolu, ma jagħmilx null ir-rikors; iżda, f'kull każ bħal dan, il-qorti tordna b'digriet lill-appellant biex jippreżenta, fi żmien jumejn, nota li jkun fiha l-partikolaritajiet meħtieġa mil-liġi u li ma jkunux inġiebu regolarment fir-rikors.

(6) L-ispejjeż tad-digriet u tal-preżentata tan-nota jħallashom l-appellant.

(7) Id-dispożizzjonijiet tas-subartikoli (5) u (6) ta' dan l-artikolu, fil-każ imsemmi fl-artikolu 240, igħoddu għat-tweġiba.".

Sostituzzjoni ta' l-artikolu 144 tal-liġi prinċipali.

60. Minflok l-artikolu 144 tal-liġi prinċipali għandu jiġi sostitwit dan l-artikolu li ġej:—

"Notifika ta' rikors ta' appell. Żmien għat-tweġiba.

144. (1) Appell jista' jsir minn kull parti kontra l-partijiet l-oħra kollha jew kull wieħed minnhom. L-appellant għandu jindika fir-rikors ta' appell il-partijiet li kontra tagħhom l-appell ikun qed isir. Ir-rikors ta' appell għandu jiġi notifikat lill-partijiet kollha iżda l-partijiet biss li kontra tagħhom isir l-appell għandhom fi żmien għoxrin jum jippreżentaw it-tweġiba li jkun fiha r-raġunijiet għaliex l-appell għandu jiġi miċħud.

Żmien għat-tweġiba f'każ ta' appell inċidentali.

(2) F'każ ta' appell inċidentali skond l-artikolu 240, il-parti li kontra tagħha jsir l-appell inċidentali għandha fl-imsemmi terminu ta' għoxrin jum tippreżenta tweġiba li fiha tirreplika kontra l-allegazzjonijiet inklużi fl-appell inċidentali.".

Emenda ta' l-artikolu 145 tal-liġi prinċipali.

61. Fl-artikolu 145 tal-liġi prinċipali minflok il-kliem "Mal-petizzjoni" għandhom jidħlu l-kliem "Mar-rikors".

Emenda ta' l-artikolu 146 tal-liġi prinċipali.

62. L-artikolu 146 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-kliem "għall-petizzjoni" fis-subartikolu (1) tiegħu, għandhom jidħlu l-kliem "għal rikors"; u

(b) minnufih wara s-subartikolu (2) għandu jidħol is-subartikolu li ġej:

"(3) In-nuqqas ta' xi parti milli tippreżenta tweġiba jew risposta fit-termini stabbiliti ma għandhiex twaqqaf lil dik il-parti milli tidher quddiem, jew tagħmel sottomissjonijiet lill-qorti matul is-smiegħ ta' l-appell.".

Tħassir ta' l-artikoli 148 u 149 tal-liġi prinċipali.

63. L-artikoli 148 u 149 tal-liġi prinċipali għandhom jitħassru.

Emenda ta' l-artikolu 150 tal-liġi prinċipali.

64. Fis-subartikolu (1) ta' l-artikolu 150 tal-liġi prinċipali minflok il-kliem "fl-artikoli 129, 135, 138 u 145" għandhom jidħlu l-kliem "fl-artikolu 145".

Emenda ta' l-artikolu 151 tal-liġi prinċipali.

65. Fl-artikolu 151 tal-liġi prinċipali minflok il-kliem "fl-artikoli 141 u 146" għandhom jidħli l-kliem "fl-artikolu 146".

Emenda ta' l-artikolu 152 tal-liġi prinċipali.

66. Fis-subartikolu (2) ta' l-artikolu 152 tal-liġi prinċipali minflok il-kliem "l-attur, appellant jew il-libellant" għandhom jidħlu l-kliem "l-appellant", u minflok il-kliem "fi żmien sitt ijiem tax-xogħol" għandhom jidħlu l-kliem "fi żmien għaxart ijiem".

Emenda ta' l-artikolu 156 tal-liġi prinċipali.

67. Minflok is-subartikoli (3), (4), (5) u (6) ta' l-artikolu 156 tal-liġi prinċipali għandhu jidħol dan li ġej:—

"(3) Fil-qrati superjuri, l-attur jew wieħed mill-atturi għandu wkoll flimkien maċ-ċitazzjoni jippreżenta dikjarazzjoni f'paragrafi numerati li jkun fiha miġjuba biċ-ċar il-fatti kollha

rilevanti għall- kawża u li tiddeskrivi kull fatt f'paragrafi numerati separatament, sabiex isaħħaħ it-talba tiegħu, u jiddikjara wkoll liema fatti huwa jaf bihom personalment. Din id-dikjarazzjoni għandha jew tkun konfermata bil-ġurament quddiem ir-reġistratur jew li magħha l-attur, jew wieħed mill-atturi, jannetti affidavit li fih jikkonferma l-fatti kollha li jsostnu t-talba tiegħu, filwaqt li jiddikjara liema fatti huwa jaf bihom personalment.

(4) L-attur għandu wkoll jagħti mad-dikjarazzjoni l-ismijiet tax-xhieda li jkun bi ħsiebu jġib, filwaqt li jiddikjara dwar kull wieħed minnhom x'fatti u xi prova bi ħsiebu jagħmel bix-xiehda tagħhom.

(5) Meta jitressqu diversi azzjonijiet flimkien kif provdut fis-subartikoli (3), (4) u (5) ta' l-artikolu 161, mill-inqas wieħed mill-atturi għandu jippreżenta dikjarazzjoni li jew tiġi konfermata bil-ġurament qudiem ir-reġistratur, jew li jkun hemm magħha l-affidavit tiegħu, u għandhom japplikaw id-dispożizzjonijiet tas-subartikolu (3) ta' dan l-artikolu.

(6) Kopja ta' dik id-dikjarazzjoni u ta' dak l-affidavit, li jista' jkun hemm, kif imsemmi fis-subartikoli (3) u (5) ta' dan l-artikolu għandhom jiġu notifikati lill-konvenut flimkien maċ-ċitazzjoni.

(7) Ir-reġistratur ma għandu jirċievi ebda ċitazzjoni li ma jkunx hemm magħha dik id-dikjarazzjoni u dak l-affidavit li jista' jkun hemm kif imsemmi fis-subartikoli (3) u (5) ta' dan l-artikolu u l-qorti ma għandha tħalli lil ebda xhud jinġieb sakemm dan ma jkollux ismu imniżżel flimkien maċ-ċitazzjoni. Meta l-ħtieġa għall-produzzjoni ta' xhud tinqala' wara li tkun ġiet preżentata iċ-ċitazzjoni, jew meta l-parti kuntrarja tagħti l-kunsens tagħha bil-mod kif jingħad fil-paragrafu (ċ) tas-subartikolu (1) ta' l-artikolu 150, jew jekk il-qorti jidhrilha li jkun fl-interess tal-ġustizzja li tisma' lil xi xhud partikolari, il-qorti tista' tħalli lil dak ix-xhud jinstama'.

(8) Meta l-prova li hemm maħsub li tinġieb dwar kull xhud ma tiġi dikjarata xejn jew ma tiġix dikjarata biżżejjed fid-dikjarazzjoni, il-qorti għandha fl-ewwel jum appuntat għas-smigħ preliminari tal-kawża tordna lill-attur sabiex jindika b'mod sewwa xi prova bi ħsiebu jġib permezz ta' kull xhud fi żmien li jiġi lilu stabbilit mill-qorti.".

Tħassir ta' l-artikolu 156A tal-liġi prinċipali.

68. L-artikolu 156A tal-liġi prinċipali għandu jitħassar.

Sostituzzjoni ta' l-artikolu 157 tal-liġi prinċipali.

69. Minflok l-artikolu 157 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Notifika taċ-ċitazzjoni.

157. Tkun ir-responsabbiltà ta' l-attur li jieħu ħsieb li, permezz tar-reġistratur jiġu notifikati lill-konvenut kopja taċ-ċitazzjoni u tad-dikjarazzjoni u ta' kull affidavit ta' l-attur li jista' jkun hemm.".

Emenda ta' l-artikolu 158 tal-liġi prinċipali.

70. L-artikolu 158 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (4) tiegħu għandu jidħol dan li ġej:

"(4) Il-konvenut jew wieħed mill-konvenuti jekk ikun hemm aktar minn wieħed, għandu wkoll, jippreżenta flimkien man-nota ta' eċċezzjonijiet, dikjarazzjoni b'paragrafi numerati li jkun fiha l-fatti kollha dwar it-talba, fejn jiċħad, jammetti jew jispjega ċ-ċirkostanzi tal-fatti murija fid-dikjarazzjoni ta' l-attur, filwaqt li jiddikjara liema fatti huwa jaf bihom personalment. Din id-dikjarazzjoni għandha tkun konfermata bil-ġurament quddiem ir-reġistratur jew jingħieb magħha affidavit tal-konvenut jew ta' wieħed mill-konvenuti fuq il-fatti kollha li jirrigwardaw it-talba, fejn jiċħad, jammetti jew jispjega ċ-ċirkostanzi tal-fatti murija fid-dikjarazzjoni ta' l-attur, u l-konvenut għandu wkoll jikkonferma li hu jaf bil-fatti hekk imsemmija personalment. Il-konvenut għandu wkoll jagħti l-ismijiet tax-xhieda li jkun bi ħsiebu jġib u jiddikjara dwar kull wieħed minnhom xi prova jkun bi ħsiebu jagħmel bix-xiehda tagħhom. Flimkien man-nota ta' l-eċċezzjonijiet għandhom jiġu ppreżentati dawk id-dokumenti kollha li jistgħu jinħtieġu biex isaħħu l-eċċezzjonijiet.";

(b) minflok is-subartikolu (5) tiegħu għandu jidħol dan li ġej:—

"(5) ir-reġistratur ma għandu jirċievi ebda nota ta' eċċezzjonijiet li magħha ma jkunx hemm dik id-dikjarazzjoni u affidavit bħal dak imsemmi fis-subartikolu (4) ta' dan l-artikolu, u l-qorti ma għandha tħalli jingħieb ebda xhud li ismu ma jkunx ingħata f'dik id-dikjarazzjoni. Meta l-ħtieġa għall-produzzjoni ta' xhud tinqala' wara li tkun ġiet preżentata d-dikjarazzjoni, jew meta l-parti kuntrarja tagħti l-kunsens tagħha bil-mod kif jingħad fil-paragrafu (ċ) tas-subartikolu (1) ta' l-artikolu 150, jew jekk il-qorti tqis li jkun fl-interess tal-ġustizzja li tisma' lil xi xhud partikolari, il-qorti tista' tħalli lil dak ix-xhud jinstema'.";

(ċ) is-subartikoli (6), (7), (8), (9), (10), (11) u (12) tiegħu għandhom jiġu enumerati mill-ġdid rispettivament bħala s-subartikoli (7), (8), (9), (10), (11), (12) u (13);

(d) minnufih wara s-subartikolu (5) tiegħu għandu jiżdied dan is-subartikolu (6) ġdid li ġej:—

"(6) Meta l-prova li hemm maħsuba li tingħieb minn kull xhud ma tiġi dikjarata xejn jew ma tiġix dikjarata sewwa fid-dikjarazzjoni, il-qorti għandha, fl-ewwel jum stabbilit għas-smigħ preliminari tal-kawża, tordna lill-konvenut sabiex jindika sew xi tkun dik il-prova li bi ħsiebu jġib permezz ta' kull xhud f'dak iż-żmien li jiġi hekk stabbilit mill-qorti.";

(e) minnufih f'tarf is-subartikolu (10) tiegħu kif enumerat mill-ġdid, għandhom jiżdiedu l-kliem "Il-qorti għandha, madankollu, qabel ma tagħti s-sentenza, tagħti lill-konvenut żmien qasir li ma jistax jiġġedded biex fih jagħmel sottomissjonijiet bil-miktub biex jiddefendi ruħu kontra t-talba ta' l-attur. Dawk is-sottomissjonijiet għandhom jiġu notifikati lill-attur li jkollu żmien qasir biex jirrispondi."; u

(f) fis-subartikolu (13) tiegħu kif enumerat mill-ġdid, minflok il-kliem "qabel l-egħluq tal-proċedimenti bil-miktub preliminari" għandhom jidħlu l-kliem "qabel iż-żmien stabbilit biex tiġi ppreżentata n-nota ta' l-eċċezzjonijiet skond dan l-artikolu".

Sostituzzjoni ta' l-artikolu 160 tal-liġi prinċipali.

71. Minflok l-artikolu 160 tal-liġi prinċipali għandu jidħol dan li ġej:

"Affidavit ta' xhieda.

160. Meta parti tkun bi ħsiebha ġġib xhud f'xi proċediment quddiem il-qorti hija tista', flimkien ma' ċ-ċitazzjoni jew ma' nota ta' l-eċċezzjonijiet, skond ma jeħtieġ il-każ, tippreżenta fir-reġistru ta' dik il-qorti affidavit magħmul minn dak ix-xhud quddiem assistent ġudizzjarju jew quddiem persuna oħra awtorizzata tagħti ġurament, u kopja ta' dak l-affidavit għandha tiġi notifikata lill-parti l-oħra.".

Sostituzzjoni ta' l-artikolu 161 tal-liġi prinċipali.

72. Minflok l-artikolu 161 tal-liġi prinċipali għandu jidħol dan li ġej:—

"Kif jitmexxa fil-Prim'Awla tal-Qorti Ċivili u fil-Qorti tal-Maġistrati (Għawdex) fil-kompetenza tagħha superjuri.

161. (1) Fil-Prim' Awla tal-Qorti Ċivili u fil-Qorti tal-Maġistrati (Għawdex) fil-kompetenza tagħha superjuri, il-proċedimenti ordinarjament jitmexxew b'ċitazzjoni.

(2) Il-proċedimenti jistgħu jitmexxew b'rikors fil-każijiet preskritti bi jew skond xi liġi.

(3) Żewġ atturi jew aktar jistgħu jibdew il-kawżi tagħhom permezz ta' ċitazzjoni waħda jew rikors wieħed skond il-każ, jekk il-kawżi jkollhom x'jaqsmu ma' xulxin minħabba fil-mertu tagħhom jew jekk id-deċiżjoni li tingħata dwar waħda mill-kawżi tista' tolqot id-deċiżjoni dwar il-kawża jew il-kawżi l-oħra u jekk il-provi li jingħiebu f'waħda mill-kawżi jkunu, ġeneralment, l-istess provi li għandhom jingħiebu fil-kawża jew fil-kawżi l-oħra. Ir-raġuni għaliex ikunu qegħdin isiru l-kawżi u l-mertu tagħhom għandhom jiġu dikjarati b'mod ċar u speċifiku minn kull attur.

(4) Madankollu, kull waħda mill-kawżi li hekk jinbdew flimkien għandhom jinstemgħu separatament meta xi attur jitlob li jsir dan fil-kawża tiegħu; u l-qorti tista' wkoll tordna li kawża għandha tinstama' għaliha meta ma jkunx espedjenti li l-kawżi ta' l-atturi kollha jinstemgħu flimkien. Dik l-ordni tista' tingħata f'kull żmien tal-kawża qabel is-sentenza finali.

(5) Meta diversi kawżi jinbdew flimkien skond kif provdut fis-subartikolu (3) ta' dan l-artikolu dawn għandhom għall-għan li tiġi stabbilita l-kompetenza tal-qorti jiġu kkunsidrati f'daqqa. Dik il-qorti tibqa' wkoll kompetenti għar-rigward ta' kull kawża li tinfired mill-oħrajn skond is-subartikolu (4) ta' dan l-artikolu.".

Thassir ta' l-artikolu 162 tal-liġi prinċipali.

73. L-artikolu 162 tal-liġi prinċipali għandu jiġi mħassar.

Thassir ta' l-artikolu 163 tal-liġi prinċipali.

74. L-artikolu 163 tal-liġi prinċipali għandu jitħassar.

Sostituzzjoni ta' l-artikolu 164 tal-liġi prinċipali.

75. Minflok l-artikolu 164 tal-liġi prinċipali għandu jidħol dan li ġej:—

"Meta jkun hemm nullità.

164. (1) Bla ħsara għad-dispożizzjonijiet ta' l-artikolu 175 ta' dan il-Kodiċi, ikun hemm nullità jekk kawża illi jmissha tinġieb b'ċitazzjoni jew b'rikors ta' appell minflok tinġieb permess ta' xi att ġudizzjarju ieħor.

(2) Ma hemmx nullità jekk kawża illi jmissha tinġieb b'rikors minflok tinġieb b'ċitazzjoni:

Iżda l-qorti tista' tordna lill-attur illi jissostitwixxi ċ-ċitazzjoni b'rikors;

Iżda wkoll, kull żieda addizjonali li ssir fl-ispejjeż għandha titħallas mill-attur;

Iżda wkoll id-dispożizzjonijiet ta' dan is-subartikolu ma għandhomx japplikaw meta skond xi liġi oħra li ma tkunx dan il-Kodiċi l-proċedimenti għandhom jinbdew b'rikors.".

Emenda ta' l-artikolu 167 tal-liġi prinċipali.

76. L-artikolu 167 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) minflok is-subartikolu (1) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:

"(1) Fil-kawżi ta' kompetenza tal-qrati superjuri jew tal-Qorti tal-Maġistrati (Għawdex) fil-kompetenza tagħha superjuri, meta t-talba hija biss —

(a) għall-ħlas ta' dejn ċert, likwidu u li għalaq, illi ma jkunx jikkonsisti fl-esekuzzjoni ta' fatt; inkella

(b) għall-iżgumbrament ta' kull persuna minn raba' jew minn bini, sew jekk b'talba għall-ħlas ta' ċens, kera jew kull ħlas ieħor dovut, jew għal danni bħala kumpens sakemm il-fond jitbattal, jew mingħajrha,

l-attur jista' jitlob fl-att stess taċ-ċitazzjoni li jiġi deċiż skond it-talba, bid-dispensa tas-smiegħ tal-kawża:

Iżda l-attur għandu fid-dikjarazzjoni tiegħu magħmula skond is-subartikolu (3) ta' l-artikolu 156, jiddikjara li safejn jaf hu l-konvenut ma għandux eċċezzjonijiet x'jagħti kontra t-talba;

Iżda wkoll, l-attur jista' wkoll jippreżenta affidavit maħluf ta' kull persuna oħra, li jkun fih fatti li għandhom x'jaqsmu mat-talba, u li jikkonferma li l-persuna tkun taf b'dawk il-fatti personalment.";

(b) is-subartikolu (2) tiegħu għandu jitħassar;

(ċ) is-subartikolu (3) għandu jiġi enumerat mill-ġdid bħala s-subartikolu (2) tiegħu; u

(d) minflok is-subartikolu (4) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:

"(3) Id-dispożizzjonijiet tas-subartikoli (1), (2) u (3) ta' l-artikolu 156 u d-dispożizzjonijiet ta' l-artikolu 159 jgħoddu għal din iċ-ċitazzjoni.".

Emenda ta' l-artikolu 168 tal-liġi prinċipali.

77. Fl-artikolu 168 tal-liġi prinċipali minflok il-kliem "b'kopja, id-dikjarazzjoni maħlufa" għandhom jidħlu l-kliem "b'kopja, id-dikjarazzjoni u kull dikjarazzjoni maħlufa".

Sostituzzjoni ta' l-artikolu 169 tal-liġi prinċipali.

78. Minflok l-artikolu 169 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Żmien għan-notifika taċ-ċitazzjoni.

169. Fil-każijiet imsemmija fl-artikolu 167, iċ-ċitazzjoni għandha tkun notifikata lill-konvenut mingħajr dewmien; u huwa għandu jiġi mħarrek biex jidher mhux aktar kmieni minn ħmistax-il jum u mhux aktar tard minn tletin jum min-notifika:

Iżda fin-nuqqas ta' osservanza tad-dispożizzjonijiet ta' dan l-artikolu l-qorti ma għandhiex tieqaf timxi bi proċediment sommarju speċjali iżda għandha tagħti dawk l-ordnijiet li jidhrilha xierqa biex id-drittijiet tal-partijiet ma jiġux preġudikati.".

Sostituzzjoni ta' l-artikolu 169A tal-liġi prinċipali.

79. Minflok l-artikolu 169A tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Kif issir notifika.

169A. Iċ-ċitazzjoni, id-dikjarazzjoni u kull affidavit u nota li ssir miegħu, kif ukoll ordni imsemmi fl-artikoli 168 u 169 għandhom jiġu notifikati minn uffiċjal eżekutur talqrati.".

Emenda ta' l-artikolu 170 tal-liġi prinċipali.

80. L-artikolu 170 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) fis-subartikolu (1) tiegħu, minflok il-kliem minn "eċċezzjonijiet tajba," sa "li jopponi t-talba," għandhom jidħlu l-kliem "eċċezzjonijiet *prima facie*, fil-liġi jew fil-fatt xi jġib kontra l-meritu ta' l-azzjoni, jew xort'oħra ma jġibx fatti jew punti ta' liġi li

jistgħu jitqiesu li jkunu biżżejjed biex jagħtuh il-jedd li jopponi t-talba jew li jagħmel kontro-talba,"; u fi tmiem l-imsemmi subartikolu (1) għandu jiżdied dan il-kliem li ġej: "Il-konvenut jista' jagħmel is-sottomissjonijiet tiegħu biex jattakka l-proċedimenti magħmula mill-attur bħala mhux regolari jew li ma jgħoddux għall-każ permezz ta' nota li tiġi preżentata fir-reġistru tal-qorti jew fl-udjenza."; u

(b) minflok is-subartikolu (2) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:

"(2) Meta l-konvenut jirnexxilu jattakka l-proċedimenti fuq il-bażi ta' irregolarità, jew inapplikabilità, jew meta jissodisfa lill-qorti li huwa għandu eċċezzjoni *prima facie* biex jopponi t-talba, jew iġib fatti jew punti ta' dritt li jitqiesu bħala biżżejjed biex jagħtuh il-jedd li jopponi t-talba jew li jagħmel kontro-talba, jingħata lilu l-permess li jopponi l-azzjoni u li jippreżenta l-eċċezzjonijiet tiegħu fi żmien għoxrin jum mid-data ta' l-ordni msemmi fis-subartikolu (4) ta' dan l-artikolu, f'liema każ il-konvenut għandu jħares id-dispożizzjonijiet ta' l-artikolu 158 sa fejn dan igħodd.".

Sostituzzjoni ta' l-artikolu 171 tal-liġi prinċipali.

81. Minflok l-artikolu 171 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Tmexxija fil-qrati inferjuri.

171. (1) Fil-Qorti tal-Maġistrati (Malta) u fil-Qorti tal-Maġistrati (Għawdex) fil-kompetenza tagħha inferjuri, jitmexxa bil-mod ta' ċitazzjoni li ssir fl-għamla ta' avviż sempliċi iffirmat mir-reġistratur, li jkun fih l-isem u l-kunjom ta' l-attur u tal-konvenut, it-talba ta' l-attur, u l-jum u l-ħin meta l-konvenut għandu jidher.

(2) Il-kawża għandha titmexxa sommarjament skond l-artikolu 215.

(3) Mingħajr preġudizzju għall-artikolu 23, is-sentenza li tingħata fil-qrati msemmija ma teħtieġx li tkun tinkludi r-raġunijiet kollha li wasslu għaliha, iżda tista' biss issemmi l-punti ewlenin li fuqhom il-qorti tkun ibbażat il-konklużjonijiet tagħha.".

Emenda ta' l-artikolu 172 tal-liġi prinċipali.

82. Fl-artikolu 172 tal-liġi prinċipali minflok il-kelma "petizzjoni" kull fejn tidher għandha tidħol il-kelma "rikors".

Emenda ta' l-artikolu 173 tal-liġi prinċipali.

83. L-artikolu 173 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) l-artikolu kollu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (1) tiegħu;

(b) minnufih wara s-subartikolu (1) kif enumerat mill-ġdid għandu jiżdied dan is-subartikolu ġdid li ġej:

"(2) Bla ħsara għad-dispożizzjonijiet ta' qabel ta' dan l-artikolu l-qorti tista', f'kull waqt tal-proċedimenti —

(a) jew b'inizjattiva tagħha stess jew fuq rikors ta' xi parti fil-proċedimenti, tordna li x-xiehda ta' xi persuna li tkun ser tingieb bħala xhud għandha tingħata quddiem assistent ġudizzjarju jew quddiem imħallef supplenti f'dak il-post u f'dak il-ħin u b'dawk il-kundizzjonijiet li jistgħu jiġu speċifikati fl-ordni;

(b) meta jsir rikors minn xi parti fil-proċedimenti bil-għan li jiġi konfermat bl-affidavit ta' persuna indikata mill-parti fatt dikjarat fir-rikors jew f'nota li jkun hemm miegħu, tordna lill-persuna hekk indikata sabiex tidher għal dak l-għan quddiem assistent ġudizzjarju jew imħallef supplenti f'dak il-lok u ħin li jistgħu jiġu speċifikati fl-ordni.

(3) Fil-każ ta' ordni mogħti bis-saħħa tal-paragrafu (b) tas-subartikolu (2) ta' dan l-artikolu, l-assistent ġudizzjarju jew l-imħallef supplenti għandhom jistaqsu lill-persuna indikata jekk tikkonfermax jew tiċħadx kull fatt speċifikat fir-rikors jew fin-nota u għandhom jivverbalizzaw ir-risposta mogħtija flimkien ma' kull dikjarazzjoni oħra, jekk ikun il-każ, li jikkwalifikaw ir-risposta tiegħu, u jaraw li dak il-verbal jiġi konfermat bil-ġurament mill-persuna msemmija. L-assistent ġudizzjarju jew l-imħallef supplenti għandu jinkludi l-affidavit fil-proċess tal-kawża u jaraw li kopja tiegħu tiġi notifikata lill-partijiet.

(4) Meta rikors bħal dak imsemmi fil-paragrafu (b) tas-subartikolu (2) ta' dan l-artikolu jiġi ppreżentat flimkien ma' xi skrittura msemmija fl-artikolu 160 ta' dan il-Kodiċi, il-Qorti tista' tordna li n-notifika ta' dik l-iskrittura għandha tiġi sospiża sa dak iż-żmien, li ma għandux ikun aktar minn tliet xhur, skond kif tistabbilixxi l-Qorti.".

Emenda ta' l-artikolu 174 tal-liġi prinċipali.

84. L-artikolu 174 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-paragrafu (a) tas-subartikolu (1) tiegħu għandu jidħol dan il-paragrafu ġdid li ġej:

"(a) l-isem tal-qorti li fiha tiġi ppreżentata l-iskrittura, u, fil-każ tal-Qorti tal-Maġistrati (Għawdex), l-indikazzjoni tal-kompetenza tal-qorti;"; u

(b) fil-paragrafu (d) tas-subartikolu (1) tiegħu l-kliem "tal-libell jew" għandhom jitħassru.

Sostituzzjoni ta' l-artikolu 175 tal-liġi prinċipali.

85. Minflok l-artikolu 175 tal-liġi prinċipali għandu jidħol dan li ġej:

"Setgħa tal-qorti li tordna jew tagħti li jsir tibdil fl-iskritturi.

175. (1) Il-qorti tista', f'kull waqt tal-kawża, qabel is-sentenza, wara talba ta' waħda mill-partijiet, wara li tisma' meta jeħtieġ lill-partijiet, tordna s-sostituzzjoni ta' xi att jew tippermetti tibdil fl-iskritturi, sew billi fihom jiżdied jew jitneħħa l-isem ta' waħda mill-partijiet u jitqiegħed ieħor floku, jew billi jissewwa żball fl-isem tal-partijiet jew fil-kwalità li fiha jidhru, jew billi jissewwa kull żball ieħor jew billi jiddaħħlu ħwejjeġ oħra ta' fatt jew ta' dritt ukoll permezz ta' nota separata, sakemm sostituzzjoni jew tibdil bħal dan ma jbiddilx fis-sustanza l-azzjoni jew l-eċċezzjoni fuq il-meritu tal-kawża.

(2) Kull qorti fi grad ta' appell tista' wkoll tordna jew tippermetti, f'kull żmien sas-sentenza, li jissewwa kull żball fir-rikors li bihom ikun tressaq l-appell jew fit-tweġiba, kif ukoll kull żball fl-isem tal-Qorti li tkun tat is-sentenza appellata, jew f'dak tal-partijiet, jew fil-kwalità li fiha huma jidhru, jew fid-data tas-sentenza appellata.

(3) Il-qorti tista', sa dakinhar li tagħti s-sentenza u taqta' l-kawża, tordna minn jeddha li tissewwa kull omissjoni jew żball ġudizzjarju jew amministrattiv f'att ġudizzjarju.".

Emenda ta' l-artikolu 176 tal-liġi prinċipali.

86. Fil-proviso li hemm mas-subartikolu (1) ta' l-artikolu 176 tal-liġi prinċipali minflok il-kliem "bl-awtorità miktuba tar-reġistratur," għandhom jidħlu l-kliem "bl-awtorità miktuba tar-reġistratur mogħtija qabel il-preżentata ta' l-att,".

Emenda ta' l-artikolu 178 tal-liġi prinċipali.

87. Minflok is-subartikolu (1) ta' l-artikolu 178 tal-liġi prinċipali għandu jidħol dan is-subartikolu ġdid li ġej:

"(1) L-iskritturi għandhom ikunu iffirmati mill-avukat u, meta jkun hemm, minn prokuratur legali.".

Emenda ta' l-artikolu 180 tal-liġi prinċipali.

88. Is-subartikolu (1) ta' l-artikolu 180 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) fil-paragrafu (a) tiegħu, il-kliem "jew korpi magħquda" għandhom jitħassru, u minflok il-kliem "ta' ditta jew soċjetà kummerċjali" għandhom jidħlu l-kliem "ta' ditta, jew bħala wieħed mill-persuni msemmija fis-subartikolu (2) ta' l-artikolu 181A fil-każ ta' korp li jkollu personalità ġuridika distinta"; u

(b) fil-paragrafu (d) tiegħu, minflok il-kliem "f'att ta' nutar pubbliku;" għandhom jidħlu l-kliem "mill-parti li tidher u li l-firma tagħha hija kontrosenjata skond is-subartikolu (2) ta' l-artikolu 634;".

Emenda ta' l-artikolu 181 tal-liġi prinċipali.

89. Fis-subartikolu (2) ta' l-artikolu 181 tal-liġi prinċipali wara l-kliem "biex taġixxi f'xi kariga bħal dik" għandu jidħol il-kliem "jew meta xi kariga bħal dik tiġi magħquda ma' xi kariga oħra".

Żieda ta' l-artikolu 181A ġdid mal-liġi prinċipali.

90. Dan l-artikolu 181A ġdid li ġej għandu jiżdied wara l-artikolu 181 tal-liġi prinċipali:

"Skritturi li jiġu preżentati minn jew kontra korp b'personalità ġuridika distinta.

181A. (1) Meta tiġi preżentata skrittura minn jew kontra korp li jkollu personalità ġuridika distinta, ikun biżżejjed li wieħed iniżżel isem dak il-korp.

(2) Kull dikjarazzjoni, jew skrittura li għandha tinħalef skond il-liġi għandha, fil-każ ta' korp li jkollu personalità ġuridika distinta, tinħalef mill-persuna jew persuni li jkollhom ir-rappreżentanza ġuridika ta' dak il-korp jew minn kull segretarju tal-kumpannija jew minn kull persuna oħra li tkun awtorizzata bil-miktub minn dak il-korp sabiex tippreżenta atti ġudizzjarji f'ismu jew li jagħmel dikjarazzjoni, nota ta' eċċezzjonijiet jew skrittura bħal dawk imsemmija.

(3) Meta għandha tiġi preżentata skrittura minn jew kontra bastimenti jew inġenji oħra tal-baħar, ikun biżżejjed jekk jissemma l-isem ta' dak il-bastiment jew ta' dawk l-inġenji l-oħra, skond il-każ, u ma jkunx meħtieġ li jissemma l-isem ta' xi persuna sabiex tirrappreżenta lil dak il-bastiment jew dawk l-inġenji:

Iżda l-iskritturi msemmija f'dan is-subartikolu għandhom jiġu notifikati skond id-dispożizzjonijiet tas-subartikolu (7) ta' l-artikolu 187.".

Żieda ta' l-artikolu 181B ġdid mal-liġi prinċipali.

91. Minnufih wara l-artikolu 181A tal-liġi prinċipali għandu jidħol l-artikolu ġdid 181B kif ġej:

Rappreżentanza ġudizzjarja tal-Gvern.

181B. (1) Il-Gvern għandu jkun rappreżentat fl-atti u fl-azzjonijiet ġudizzjarji mill-kap tad-Dipartiment tal-Gvern li jkun inkarigat fil-materja in kwistjoni:

Iżda, mingħajr preġudizzju għad-dispożizzjonijiet ta' dan l-artikolu:

(a) kawżi għall-ġbir ta' ammonti dovuti lill-Gvern jistgħu f'kull każ isiru mill-*Accountant General*;

(b) kawżi li jinvolvu kwistjonijiet dwar impieg jew obbligu ta' servizz mal-Gvern jistgħu f'kull każ isiru mis-Segretarju Amministrattiv;

(ċ) kawżi dwar kuntratti ta' provvista jew ta' appalt mal-Gvern jistgħu f'kull każ isiru mid-Direttur tal-Kuntratti.

(2) L-Avukat Ġenerali jirrappreżenta lill-Gvern f'dawk l-atti u l-azzjonijiet ġudizzjarji li minħabba n-natura tat-talba ma jkunux jistgħu jiġu diretti kontra xi wieħed jew aktar mill-kapijiet tad-dipartimenti l-oħra tal-Gvern.

(3) Kull rikors, ċitazzjoni, jew att ġudizzjarju ieħor magħmul kontra l-Gvern għandu jiġi notifikat lil kull kap ta' dipartiment tal-Gvern li kontra tiegħu ikun dirett u lill-Avukat Ġenerali u kull terminu biex issir risposta jew nota ta' l-eċċezzjonijiet dwar att bħal dak minn kull kap ta' dipartiment tal-Gvern li jkun konvenut jew intimat fi proċeduri ġudizzjarji ma jibdiex jiddekorri qabel ma l-att jiġi notifikat lill-kap jew kapijiet ta' dipartimenti tal-Gvern li kontra tagħhom ikun dirett u lill-Avukat Ġenerali. In-notifika lill-Avukat Ġenerali issir bla ħlas lir-reġistratur.".

Emenda ta' l-artikolu 184 tal-liġi prinċipali.

92. L-artikolu 184 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (2) tiegħu għandu jitħassar;

(b) minflok is-subartikolu (3) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:

"(2) Fil-każijiet kollha, ir-reġistratur għandu, fuq talba li ssirlu għaldaqshekk, jiddikjara bil-miktub ir-raġuni li għaliha jkun irrifjuta li jirċievi l-iskrittura.".

Sostituzzjoni ta' l-artikolu 185 tal-liġi prinċipali.

93. Minflok l-artikolu 185 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:

"Notifika lill-partijiet kollha.

185. Bla ħsara għad-dispożizzjonijiet tas-subartikolu (1) ta' l-artikolu 186, meta skrittura għandha tkun notifikata lil tnejn minn nies jew iżjed, ukoll jekk dawn ikunu jgħixu flimkien fl-istess indirizz, kull wieħed minnhom għandu jiġi notifikat b'kopja ta' dik l-iskrittura.".

Emenda ta' l-artikolu 186 tal-liġi prinċipali.

94. L-artikolu 186 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "Meta l-partijiet li jidhru jkunu tnejn jew iżjed, huma għandhom," għandhom jidħlu l-kliem "Meta jidhru flimkien żewġ partijiet jew iżjed, huma jistgħu,"; u

(b) fis-subartikolu (2) tiegħu minflok il-kliem "dawn għandhom," għandhom jidħlu l-kliem "dawn jistgħu,".

Emenda ta' l-artikolu 187 tal-liġi prinċipali.

95. L-artikolu 187 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) wara s-subartikolu (1) ta' l-artikolu 187 tal-liġi prinċipali għandu jiżdied is-segwenti:

"Iżda meta persuna li lilha tkun indirizzata skrittura tirrifjuta li tirċiviha personalment mingħand uffiċjal eżekuttiv tal-Qrati, il-Qorti tista' fuq rikors tal-parti interessata u wara li tisma' lill-uffiċjal esekuttiv tal-Qrati u tikkonsidra ċ-ċirkostanzi kollha ta' l-inċident, tiddikjara b'digriet li n-notifika tkun saret lil dik il-persuna fil-jum u l-ħin tar-rifjut u tali digriet għandu jitqies bħala prova tan-notifika għall-finijiet u l-effetti kollha tal-liġi.";

(b) minflok is-subartikoli (3) u (4) tiegħu għandu jidħol dan li ġej:

"(3) Jekk mir-riferta ta' l-uffiċjal inkarigat minn notifika ta' skrittura jew att ġudizzjarju jinstab li l-persuna li għandha tiġi notifikata bl-iskrittura jew att, għalkemm ma tirriżultax li qegħda barra minn Malta, id-dħul fil-post tar-residenza tagħha ma jkunx jista' jsir, jew il-post tar-residenza tagħha ma jkunx magħruf, il-qorti tista' tordna illi n-notifika ssir billi titwaħħal kopja ta' l-att fil-post, fil-belt jew fid-distrett fejn soltu jitwaħħlu l-atti uffiċjali, u billi dik l-iskrittura jew att jinħarġu fil-qosor fil-Gazzetta u f'ġurnal ta' kuljum wieħed jew iktar minn wieħed skond kif il-qorti tiddeċiedi u, meta jkun possibbli, jekk il-post tar-residenza jkun magħruf, billi titwaħħal kopja ta' l-iskrittura mal-bieb ta' dik ir-residenza. Il-qorti tista' wkoll tieħu dawk il-miżuri oħra li jkunu jidhrulha xierqa sabiex l-iskrittura jew l-att issir taf bihom il-persuna li lilha għandhom ikunu notifikati. F'dawk il-każijiet in-notifika għandha titqies li tkun saret fit-tielet jum tax-xogħol wara l-aħħar data meta tkun ġiet pubblikata jew minn meta tkun twaħħlet il-kopja, skond liema tiġi l-aktar tard. F'każijiet meta n-notifika tkun ġiet ordnata li ssir b'urġenza, in-notifika titqies li tkun saret f'dak iż-żmien speċifiku, wara t-twaħħil jew il-pubblikazzjoni skond kif il-qorti tista' tistabbilixxi, li jissemma fl-istess pubblikazzjoni jew twaħħil.

(4) Fil-każ ta' korp li jkollu personalità ġuridika distinta, in-notifika lil dak il-korp għandha ssir billi titħalla kopja ta' l-iskrittura:

(a) fl-uffiċċju reġistrat, fl-uffiċċju prinċipali, tiegħu jew fil-post tan-negozju jew fl-indirizz postali f'idejn xi ħadd mill-persuni msemmija fis-subartikolu (2) ta' l-artikolu 181A jew f'idejn impjegat ta' dak il-korp; jew

(b) f'idejn xi ħadd mill-persuni msemmija fis-subartikolu (2) ta' l-artikolu 181A bil-mod provdut fis-subartikolu (1) ta' dan l-artikolu."; u

(ċ) dawn is-subartikoli ġodda li ġejjin għandhom jiżdiedu wara s-subartikolu (4) tiegħu:

"(5) Jekk mir-riferta tal-uffiċjal inkarigat minn notifika ta' skrittura jinstab li n-notifika kif provdut fis-subartikolu (4) ta' dan l-artikolu ma tkunx saret, il-qorti tista', jekk jirriżulta li mill-inqas xi ħadd mill-persuni msemmija fis-subartikolu (2) ta' l-artikolu 181A ikun jinsab Malta tordna illi n-notifika ssir billi titwaħħal kopja ta' l-iskrittura fil-post fil-belt jew fid-distrett fejn soltu jitwaħħlu l-atti uffiċjali, fejn dak il-korp ikollu l-uffiċċju reġistrat, uffiċċju prinċipali, jew il-post tan-negozju tiegħu, u billi dik l-iskrittura tinħareġ fil-qosor fil-Gazzetta tal-Gvern u f'ġurnal ta' kuljum wieħed jew aktar minn wieħed skond kif il-qorti tista' tiddeċiedi u, meta possibbli, billi titwaħħal kopja ta' l-iskrittura mal-bieb tal-

uffiċċju reġistrat, uffiċċju prinċipali, jew post tan-negozju. Il-qorti tista' wkoll tieħu dawk il-miżuri oħra li jkunu jidhrulha xierqa sabiex tgħarraf b'dik l-iskrittura lil xi ħadd mill-persuni msemmija fis-subartikolu (2) ta' l-artikolu 181A.

(6) Meta jirriżulta li l-persuni kollha msemmija fis-subartikolu (2) ta' l-artikolu 181A ma jkunux jinsabu Malta jew li dawk il-persuni ma jeżistux, il-qorti għandha taħtar kuratur li jidher għal dak il-korp skond ma hemm provdut fil-paragrafu (d) ta' l-artikolu 929.

(7) Fil-każ ta' azzjoni kontra bastimenti jew inġenji oħra tal-baħar, in-notifika ssir billi tingħata kopja ta' l-iskrittura lill-kaptan jew lil kull min ikun jaqdi dawk id-dmirijiet jew, fin-nuqqas ta' dawk il-persuni, lill-aġent tal-bastiment jew ta' inġenji oħra, skond il-każ, jew fin-nuqqas ta' dawk il-persuni u aġent, lil kuraturi li jinħatru mill-qorti skond l-artikolu 929:

Iżda l-qorti tista' wkoll tuża kull mezz ieħor li jidhrilha xieraq sabiex tgħarraf lil min għandu jiġi notifikat b'dik l-iskrittura.

(8) Bla ħsara għad-dispożizzjonijiet ta' l-artikolu 193, in-notifiki jistgħu ukoll isiru minn uffiċjali tal-Posta b'dak il-mod u skond dawk ir-regoli li jkunu konformi mar-regolamenti postali skond kif il-Ministru responsabbli għall-ġustizzja jista' jordna b'avviż fil-Gazzetta:

Kap. 319. Iżda r-rikorsi ta' l-appell, u r-rikorsi li jsiru bis-saħħa tad-dispożizzjonijiet tal-Kostituzzjoni ta' Malta u ta' l-Att dwar il-Konvenzjoni Ewropeja u ċitazzjonijiet, għandhom jiġu notifikati mill-uffiċjali eżekuttivi tal-qrati.".

Sostituzzjoni ta' l-artikolu 190 tal-liġi prinċipali.

96. Minflok l-artikolu 190 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:

"Notifika ta' atti u esekuzzjoni ta' mandati f'Malta.

190. (1) Jekk att preżentat fil-Qorti tal-Maġistrati (Għawdex) jew mandat jew sekwestru maħruġ minn dik il-Qorti għandu jiġi notifikat jew esegwit, skond il-każ, fil-Gżira ta' Malta, għandha tintbagħat kopja tiegħu minn uffiċjal ta' l-imsemmija qorti lir-reġistratur.

(2) L-uffiċjal li jagħmel in-notifika jew l-esekuzzjoni għandu jikkonsenja lir-reġistratur ir-riferta tan-notifika jew esekuzzjoni, konfermata kif imiss bil-ġurament quddiem ir-reġistratur stess li għandu jibagħtha lil xi uffiċjal fil-Qorti tal-Maġistrati (Għawdex).".

Emenda ta' l-artikolu 191 tal-liġi prinċipali.

97. Fis-subartikolu (1) ta' l-artikolu 191 tal-liġi prinċipali minflok il-kliem "b'mezzi oħra mekkaniċi jew b'xi proċess fotografiku" għandhom jidħlu l-kliem "b'mezzi oħra mekkaniċi jew elettroniċi jew b'xi proċess fotografiku".

Emenda ta' l-artikolu 194 tal-liġi prinċipali.

98. Fis-subartikolu (1) ta' l-artikolu 194 tal-liġi prinċipali minflok il-kliem "mill-anqas jumejn qabel il-jum stabbilit għas-smiegħ, bla ħsara tal-każijiet imsemmijin fil-*proviso* għall-artikolu 154." għandhom jidħlu l-kliem "mill-anqas siegħa qabel il-ħin stabbilit għas-smiegħ, bla ħsara tal-każijiet urġenti imsemmijin fis-subartikolu (2) ta' l-artikolu 154.".

Emenda ta' l-artikolu 195 tal-liġi prinċipali.

99. Minflok is-subartikolu (1) ta' l-artikolu 195 tal-liġi prinċipali għandu jidħol dan is-subartikolu ġdid li ġej:

"(1) Kawża, appuntata għas-smiegħ, għandha, sakemm ma hemmx provdut mod ieħor f'dan il-Kodiċi, tibqa' tinstama' mingħajr waqfien sakemm tiġi konkluża.".

Sostituzzjoni ta' l-artikolu 196 tal-liġi prinċipali.

100. Minflok l-artikolu 196 tal-liġi prinċipali għandu jidħol dan li ġej:

"In-nuqqas ta' dehra ta' xhud jingħadd bħala raġuni tajba għat-tħollija tal-kawża għal darb'oħra.

196. (1) In-nuqqas ta' xhud li jidher, minkejja li jkun ġie mħarrek regolarment, għandu jitqies bħala raġuni tajba biex il-kawża titħalla għal darb'oħra, sakemm jintwera li x-xiehda tiegħu hi waħda rilevanti.

(2) F'dan il-każ il-qorti tista' taħtar imħallef supplenti sabiex jisma' x-xiehda ta' dak ix-xhud f'dak il-jum u l-ħin li l-qorti nnifisha tistabbilixxi. Dak il-jum u ħin għandhom jiġu qabel il-jum meta għandha tkompli tinstama' l-kawża.".

Emenda ta' l-artikolu 199 tal-liġi prinċipali.

101. Minflok is-subartikolu (3) ta' l-artikolu 199 tal-liġi prinċipali għandu jidħol dan is-subartikolu ġdid li ġej:

"(3) Fil-każ il-wieħed u l-ieħor, jekk l-attur ikun irid li, fuq l-istess atti, il-kawża tiġi mill-ġdid mqiegħda fuq il-lista, mismugħa u maqtugħa, għandu, b'rikors, li għandu jiġi ppreżentat fiż-żmien ta' għaxart ijiem, jagħmel talba għaldaqshekk. Din it-talba għandha tintlaqa' għal darba waħda biss, u l-qorti għandha tappunta ġurnata għas-smiegħ tal-kawża bi spejjeż ta' l-attur, b'dan illi l-attur għandu jħallas, jew jiddepożita fir-reġistru tal-qorti qabel il-jum stabbilit għas-smiegħ tal-kawża, l-ispejjeż kollha stabbiliti fit-tariffa, u li joħorġu mill-fatt li l-attur naqas li jidher, jew li l-avukat jew il-prokuratur legali tiegħu naqsu li jidhru, skond il-każ.".

Emenda ta' l-artikolu 201 tal-liġi prinċipali.

102. Fl-artikolu 201 tal-liġi prinċipali minflok il-kliem "fuq l-atti li jkun hemm," għandhom jidħlu l-kliem "fuq l-atti li jkun hemm wara s-smiegħ ta' dik ix-xiehda li l-qorti tista' tqis li tkun meħtieġa.".

Sostituzzjoni ta' l-artikolu 202 tal-liġi prinċipali.

103. Minflok l-artikolu 202 tal-liġi prinċipali għandu jidħol dan li ġej:

"Ordni tas-smiegħ tal-kawża.

202. (1) Il-Qorti għandha l-ewwel ħaġa tistabbilixxi data u ħin għas-smiegħ preliminari tal-kawża.

(2) Fl-ewwel jum stabbilit għas-smiegħ preliminari tal-kawża, il-qorti għandha tidentifika u tivverbalizza l-punti ta' liġi rilevanti għal dak il-każ, kif ukoll il-fatti kontestati u l-iskop relattiv ta' prova li kull xhud prodott mill-partijiet għandu jagħmel, u mbagħad tkompli kif ġej:—

(a) jekk il-qorti tqis li l-kawża tkun tista' tinqata' malajr, waqt dik is-seduta, hija għandha ttemm is-smiegħ skond is-subartikolu (4) ta' dan l-artikolu ma' l-ewwel seduta u tagħti sentenza, jew tiddiferixxi l-kawża għas-sentenza;

(b) jekk il-kawża ma tkunx tista' tinqata' skond id-dispożizzjonijiet tal-paragrafu (a) ta' dan is-subartikolu, il-qorti għandha jew tappunta jum u ħin għas-smiegħ tal-kawża *viva voce* skond is-subartikolu (4) ta' dan l-artikolu billi tagħti dawk l-ordnijiet jew direttivi taħt l-artikolu 173 kif jidhrilha xieraq; u għandha għaldaqstant tibda u tkompli tisma' l-kawża f'dik id-data hekk appuntata u tkompli tisma' l-kawża mingħajr waqfien sakemm jintemm is-smiegħ u l-kawża titħalla għas-sentenza; jew inkella tkompli skond il-paragrafu (ċ) ta' dan is-subartikolu:

Iżda kull parti tkun għadha tista', kemm-il darba l-qorti ma tordnax ċar mod ieħor, tipproduċi kull prova miġjuba minn xhieda bil-mezz ta' affidavit, sa d-data appuntata għas-smiegħ;

(ċ) qabel ma tgħaddi biex tisma' l-kawża skond is-subartikolu (4) ta' dan l-artikolu l-qorti għandha:

(i) jew tagħti lill-attur jew lill-atturi żmien ta' erbgħin jum li matulhom għandhom jipproduċu u jippreżentaw fir-reġistru tal-qorti d-dokumenti kollha li għandhom x'jaqsmu mat-talbiet, u l-provi kollha tax-xhieda dikjarati bil-mezz ta' affidavit; u lill-konvenut jew lill-konvenuti żmien ta' erbgħin jum, li jibdew għaddejjin minn meta jintemm iż-żmien mogħti lill-atturi, sabiex jipproduċu u jippreżentaw fir-reġistru tal-qorti dawk id-dokumenti kollha li għandhom x'jaqsmu mad-difiża, u l-provi kollha tax-xhieda dikjarati bil-mezz ta' affidavit:

Iżda l-qorti tista' tqassar kull wieħed minn dawk il-perijodi f'każijiet meta dan ikun meħtieġ minħabba l-urġenza relattiva tal-kawża, u tista' wkoll tqassar kull wieħed minn dawk il-perijodi, jew tneħħihom għal kollox, skond iċ-ċirkostanzi, f'dawk il-każijiet meta affidavit wieħed jew iktar ikunu ġew preżentati flimkien maċ-ċitazzjoni jew ma' n-nota ta' l-eċċezzjonijiet, u wara li tkun qieset dak li kellhom x'jgħidu l-partijiet;

(ii) il-qorti għandha tħalli l-kawża għal data kemm jista' jkun viċina, li tiġi wara d-data sa meta l-konvenuti kellhom jippreżentaw il-provi tagħhom bil-mezz ta' affidavit, skond kif provdut fis-subparagrafu (i) ta' dan il-paragrafu, għat-tieni smiegħ preliminari. Sa dik id-data l-partijiet għandhom, bil-mezz ta' nota preżentata fir-reġistru tal-qorti, jindikaw min huma x-xhieda li bi ħsiebhom jagħmlu l-kontro-eżami tagħhom. Fit-tieni smiegħ preliminari l-partijiet għandhom jiddikjaraw liema huma dawk il-punti ta' liġi li għad m'hemmx qbil dwarhom u liema punti ta' fatt għadhom kontestati. Filwaqt li tqis iż-żmien li x'aktarx jittieħed għas-smiegħ tal-kawża, il-qorti għandha mbagħad tappunta data għal kontro-eżami li jsir *viva voce* tax-xhieda li jiġu mħarrka għal dak l-għan u għat-tkomplija mingħajr waqfien tas-smiegħ tal-kawża sakemm din tinqata' jew titħalla għas-sentenza, skond is-subartikolu (4) ta' dan l-artikolu. Ebda xhud ma jista' jiġi kontro-eżaminat kemm-il darba din l-intenzjoni ma tkunx ġiet dikjarata skond kif provdut f'dan is-subparagrafu;

(iii) jekk xi waħda mill-partijiet issib xi diffikultà biex iġib ix-xiehda ta' xhud b'affidavit kif imsemmi qabel, dik il-parti għandha tgħarraf lill-qorti b'din id-diffikultà permezz ta' nota li tiġi preżentata fl-atti tal-kawża, matul iż-żmien stabbilit sabiex tinġieb ix-xiehda minn dik il-parti, u l-qorti għandha twettaq is-setgħat lilha mogħtija bil-paragrafu (b) tas-subartikolu (2) ta' l-artikolu 173 sabiex tiżgura li dik ix-xiehda tinstama' u tinġieb matul iż-żmien stabbilit f'dan is-subartikolu.

(3) Minkejja d-dispożizzjonijiet ta' qabel ta' dan l-artikolu:—

(a) fil-kawżi msemmija fis-subartikolu (7) ta' l-artikolu 158, il-qorti tista' tagħti iktar żmien lill-prokuratur jew kuratur involut hekk kif tista' tqis xieraq sabiex jieħu konjizzjoni sewwa ta' kollox u jipproduċi x-xiehda meħtieġa;

(b) fil-kawżi fejn parti jew oħra tixtieq iġġib xiehda li jkollha tinkiseb permezz ta' ittri rogatorji jew meta jkunu jridu jinkisbu xi dokumenti minn barra minn Malta, il-qorti għandha tisma' ix-xhieda kollha li tista' tkun disponibbli mod ieħor, u tagħti lill-partijiet dak iż-żmien li jkun jenħtieġ sabiex tinkiseb ix-xhieda jew dokumenti msemmija;

(ċ) il-qorti tista' wkoll f'ċirkostanzi gravi u ġustifikabbli li għandhom jiġu verbalizzati fil-proċess tal-kawża, ittawwal jew iġġedded iż-żmien li matulu il-partijiet għandhom iġibu x-xiehda tagħhom bil-mezz ta' affidavit;

(d) il-qorti tista' f'kull żmien, minn jeddha jew għax isirilha rikors minn parti fil-proċedimenti, tordna li għal raġuni valida, xhud jew xhieda partikolari għandhom jinstemgħu quddiemha *viva voce*; u tista' wkoll terġa' ssejjaħ kull xhud jew xhieda sabiex jinstemgħu b'dan il-mod.

(4) Wara t-tmiem ta' kull smiegħ preliminari tal-kawża l-ordni li għandu jiġi segwit fis-smiegħ ta' kawża għandu jkun kif ġej:

(a) meta l-qorti ma tkunx imxiet skond il-paragrafu (ċ) tas-subartikolu (2) ta' dan l-artikolu, hija għandha tagħti dawk id-direttivi li tqis meħtieġa sabiex jinġiebu l-provi;

(b) isir il-kontro-eżami tax-xhieda ta' l-attur li jkunu taw ix-xiehda tagħhom bil-mezz ta' affidavit, u fil-każ meta l-qorti ma tkunx imxiet skond il-paragrafu (ċ) tas-subartikolu (2) ta' dan l-artikolu,l-attur għandu jġib il-provi tiegħu;

(ċ) isir il-kontro-eżami tax-xhieda tal-konvenut li jkunu taw ix-xiehda tagħhom bil-mezz ta' affidavit, u fil-każ meta l-qorti ma tkunx imxiet skond il-paragrafu (ċ) tas-subartikolu (2) ta' dan l-artikolu, il-konvenut għandu jġib il-provi tiegħu;

(d) l-attur jippreżenta l-każ tiegħu u l-konvenut iwieġeb għal dan;

(e) il-qorti tista' meta jkun il-każ tħalli li ssir replika mill-attur u li l-konvenut jagħmel kontro-replika.".

Sostituzzjoni ta' l-artikolu 203 tal-liġi prinċipali.

104. Minflok l-artikolu 203 tal-liġi prinċipali għandu jidħol dan li ġej:—

"Setgħa tal-qorti li tbiddel l-ordni tal-provi.

203. Il-qorti tista' dejjem, għal raġuni tajba li tiġi verbalizzata fl-atti tal-kawża, tirregola xort'oħra kif għandhom jinġiebu l-provi ukoll f'ordni divers minn dak imsemmi fl-artikolu ta' qabel.".

Emenda ta' l-artikolu 205 tal-liġi prinċipali.

105. Fis-subartikolu (2) ta' l-artikolu 205 tal-liġi prinċipali minflok il-kliem "bħallikieku l-parti baqgħet kontumaċi" għandhom jidħlu l-kliem "wara li tkun semgħet dik ix-xiehda li l-qorti tista' tqis li tkun meħtieġa".

106. Fl-artikolu 207 tal-liġi prinċipali minflok il-kliem "fl-artikolu 202" kull fejn jinsabu għandhom jidħlu il-kliem "fis-subartikolu (3) ta' l-artikolu 202". Emenda ta' l-artikolu 207 tal-liġi prinċipali.

107. L-artikolu 209 tal-liġi prinċipali għandu jiġi emendat kif ġej:— Emenda ta' l-artikolu 209 tal-liġi prinċipali.

(a) minflok is-subartikolu (1) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:—

"(1) Fil-Qorti ta' l-Appell, jekk meta tissejjaħ il-kawża, jinstab li ma tkunx saret il-garanzija għall-ispejjeż tal-kawża kif provdut fl-artikolu 249, il-qorti għandha minnufih tgħaddi biex tiddikjara l-appell dežert:

Iżda l-qorti tista' tagħti lill-appellant żmien qasir li fih huwa jkun jista' iġib il-garanzija għall-ispejjeż jekk l-appell ikollu jinstema' bl-urġenza, jew inkella jekk ir-reġistratur ma jkunx:

(a) stabbilixxa is-somma li għandha titħallas bħala garanzija; u

(b) innotifika lill-appellant b'dan filwaqt li jgħarrfu b'dak l-avviż x'jista' jiġrilu fil-każ ta' nuqqas minn naħa tiegħu, u dan mill-inqas għaxart ijiem qabel is-smigħ tal-kawża.";

(b) is-subartikolu (2) tiegħu għandu jitħassar; u

(ċ) is-subartikolu (3) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (2) tiegħu.

108. Fl-artikolu 218 tal-liġi prinċipali minflok il-kliem "dik il-parti tat-talba u tat-tweġiba, li l-qorti jidhrilha li hija biżżejjed biex is-sentenza tkun tiftiehem." għandhom jidħlu l-kliem "riferenza għall-proċedimenti, għat-talbiet ta' l-attur u għall-eċċezzjonijiet tal-konvenut.". Emenda ta' l-artikolu 218 tal-liġi prinċipali.

109. Fl-artikolu 223 tal-liġi prinċipali għandu jiżdied dan is-subartikolu li ġej: Emenda ta' l-artikolu 223 tal-liġi prinċipali.

"(5) F'każ meta jinġieb xhud peritali *ex parte* minn xi waħda mill-partijiet fil-kawża, il-qorti għandha fis-sentenza definittiva tagħha tistabbilixxi somma xierqa li tista' tintalab bħala spejjeż għal dak ix-xhud. Il-qorti għandha, biex taqta' dwar l-ammont ta' dik is-somma, tqis l-entità tat-talbiet, f'każ ta' xhud peritali mhux residenti f'Malta, jekk kienx hemm esperti lokali li setgħu jagħmlu dak ix-xogħol u ċ-ċirkostanzi l-oħra kollha tal-każ. Il-qorti għandha wkoll tistabbilixxi kif il-ħlas ta' dawk l-ispejjeż għandu jinqasam bejn il-partijiet fil-kawża.".

Sostituzzjoni ta' l-artikolu 226 tal-liġi prinċipali.

110. Minflok l-artikolu 226 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Żmien għall-preżentata ta' rikors ta' appell.

226. (1) L-appell isir b'rikors li jiġi preżentat fir-reġistru tal-Qorti ta' l-Appell fi żmien għoxrin jum mid-data tas-sentenza.

(2) Meta appell ma jsirx mis-sentenza kollha, għandhom jissemmew, fir-rikors ta' l-appell, il-kapi tas-sentenza li minnhom isir appell.".

Sostituzzjoni ta' l-artikolu 227 tal-liġi prinċipali.

111. Minflok l-artikolu 227 tal-liġi prinċipali għandu jidħol dan li ġej:—

"227. M'hemmx appell mis-sentenzi tal-Qorti ta' l-Appell.".

Emenda ta' l-artikolu 228 tal-liġi prinċipali.

112. Fis-subartikolu (2) ta' l-artikolu 228 tal-liġi prinċipali minflok il-kliem "ħamsin lira Maltin" għandhom jidħlu l-kliem "mitejn lira" u wara l-kliem "maqtugħ fis-sentenza" għandhom jidħlu l-kliem "jew f'deċiżjoni dwar talba għall-iżgumbrament ta' xi ħadd minn proprjetà immobbli.".

Sostituzzjoni ta' l-artikolu 229 tal-liġi prinċipali.

113. Minflok l-artikolu 229 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid:—

"Appell minn digrieti.

229. (1) Appell minn dawn id-digrieti li ġejjin jista' jsir biss wara l-għoti ta' sentenza definittiva u flimkien ma' appell minn dik is-sentenza, u dawn id-digrieti ma jistgħux jiġu kontestati qabel ma tingħata s-sentenza definittiva:

(a) digriet dwar l-akkoljiment ta' talba għall-urġenza;

(b) dwar kull ordni jew direttiva skond il-provvedimenti ta' l-artikolu 173;

(ċ) digriet dwar jekk tintlaqax jew le talba għat-tħollija tal-kawża għal data oħra skond is-subartikolu (3) ta' l-artikolu 195;

(d) digriet dwar jekk tintlaqax jew le oġġezzjoni għall-ammissjoni ta' xhud skond l-artikolu 567;

(e) digriet dwar jekk tintlaqax jew le talba biex isiru mistoqsijiet lil xhud skond l-artikolu 587;

(f) digriet dwar jekk tintlaqax jew le talba biex jinġiebu dokumenti skond l-artikolu 637;

(ġ) dwar il-ħatra ta' perit skond l-artikolu 646;

(ħ) digriet dwar jekk tintlaqax jew le talba għall-konnessjoni ta' kawża ma' oħra skond is-subartikolu (1) ta' l-artikolu 793;

(i) digriet dwar jekk tintlaqax jew le talba għas-sospensjoni tal-għoti ta' digriet;

(j) digriet dwar jekk tintlaqax jew le talba għall-isfilz ta' dokument mill-atti ta' kawża;

(k) digriet dwar jekk tintlaqax jew le talba għar-revoka jew emenda ta' digriet, bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu;

(l) digriet dwar jekk tintlaqax jew le talba għal konċessjoni speċjali sabiex ikun jista' jsir appell skond is-subartikolu (5) ta' dan l-artikolu;

(m) dwar digriet li ma jilqax talba għal waqfien fil-proċedimenti.

(2) Id-deċiżjoni tal-qorti fil-każijiet hawn taħt imsemmija għandha tingħata permezz ta' digriet li jinqara bil-miftuħ fil-qorti f'jum li jiġi debitament notifikat lill-partijiet, u jista' jsir appell minn dak id-digriet qabel is-sentenza definittiva bla ħsara għall-proċedura stabbilita fis-subartikoli (4) u (5) ta' dan l-artikolu:

(a) digriet li jiċħad il-ħatra ta' periti addizzjonali skond l-artikolu 674;

(b) digriet dwar it-trasferiment tas-smiegħ ta' kawża minn qorti oħra skond l-artikolu 792;

(ċ) digriet li jiċħad is-sejħa ta' terza persuna f'kawża skond l-artikolu 961;

(d) digriet li ma jilqax talba għall-urġenza;

(e) digriet li jordna l-waqfien tal-proċedimenti.

(3) Ħlief kif provdut speċifikatament mod ieħor f'dan il-Kodiċi, appell minn kull digriet ieħor li mhuwiex inkluż fis-subartikoli (1) u (2) ta' dan l-artikolu jista' jsir biss qabel is-sentenza definittiva jekk il-Qorti li tkun qed tittratta l-każ tagħti permess speċjali sabiex dan isir, liema permess għandu jintalab b'rikors li jiġi preżentat fi żmien sitt ijiem mill-jum meta d-digriet jinqara bil-miftuħ fil-qorti. Il-qorti, wara li tkun semgħet lill-partijiet, tista' tilqa' li jsir dan l-appell jekk jidhrilha li jkun aħjar u ġust li l-kwistjoni tinġieb quddiem il-Qorti ta' l-Appell qabel ma tingħata s-sentenza definittiva.

(4) Fil-każ ta' xi digriet li jingħata taħt is-subartikoli (2) u (3) ta' dan l-artikolu, sakemm ma jkunx ġie preżentat rikors ta' appell, il-parti aggravata tista', b'rikors li jiġi preżentat fi żmien sitt ijiem mill-jum meta d-digriet ikun inqara bil-miftuħ fil-qorti, titlob lill-qorti li tkun tat id-digriet sabiex tikkonsidra mill-ġdid id-deċiżjoni tagħha. Fir-rikors għandu jkun hemm ir-raġunijiet kollha dettaljati li jsaħħu t-talba u dan għandu jiġi notifikat lill-parti l-oħra li jkollha dritt tippreżenta risposta fi żmien sitt ijiem mill-jum tan-notifika.

(5) Il-qorti għandha, kemm jista' jkun mingħajr dewmien tagħti digriet waqt seduta bil-miftuħ dwar it-talba għal permess speċjali sabiex isir appell skond is-subartikolu (3) ta' dan l-artikolu jew dwar ir-rikors sabiex l-istess qorti tikkonsidra mill-ġdid id-deċiżjoni tagħha skond is-subartikolu (4) ta' dan l-artikolu, b'mod illi tiddikjara fid-dettall ir-raġunijiet li wassluha għad-deċiżjoni tagħha.

(6) Iż-żmien biex isir appell minn digriet qabel is-sentenza definittiva, għandu jkun ta' sitt ijiem mill-jum meta d-digriet ikun inqara fil-qorti bil-miftuħ:

Iżda fil-każijiet maħsubin fis-subartikoli (3) u (4) ta' dan l-artikolu, dak iż-żmien biex isir l-appell jibda għaddej mill-jum meta d-digrieti skond is-subartikolu (5) ta' dan l-artikolu jkunu nqraw fil-qorti bil-miftuħ.

(7) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, id-dispożizzjonijiet ta' dan il-Kodiċi li għandhom x'jaqsmu ma' appelli minn sentenzi għandhom jgħoddu għal appelli minn digrieti taħt dan l-artikolu.

(8) Il-garanzija msemmija fl-artikolu 249 tal-liġi prinċipali ma tenħtieġx fil-każijiet imsemmija fis-subartikolu (6) ta' dan l-artikolu.

(9) Fil-każ ta' appell frivolu jew vessatorju, il-Qorti ta' l-Appell għandha taqta' spejjeż doppji kontra l-appellant u favur l-appellat, u tista' tikkundanna lill-appellant iħallas lill-appellat somma li ma tkunx iżjed minn elf lira bħala penali, salv kull jedd għall-ħlas ta' danni li l-appellat jista' jkollu.".

Sostituzzjoni ta' l-artikolu 231 tal-liġi prinċipali.

114. Minflok l-artikolu 231 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Appell f'każ ta' sentenzi separati fuq kwistjonijiet diversi fl-istess kawża.

231. (1) Jekk diversi kwistjonijiet f'kawża jinqatgħu b'sentenzi separati, jista' jsir appell minn kull waħda minn dawk is-sentenzi wara s-sentenza finali u fiż-żmien li jmiss li jibda jgħodd mill-jum meta tingħata l-aħħar sentenza; u f'dak l-appell għandhom jissemmew espressament is-sentenza jew sentenzi li minnhom isir appell:

Iżda appell minn dawk is-sentenzi separati jista' jsir qabel l-aħħar sentenza biss bil-permess tal-qorti mogħti fil-qorti bil-miftuħ; u din it-talba għal permess biex isir appell għandha ssir jew verbalment meta tingħata s-sentenza jew b'rikors fi żmien sitt ijiem minn dik is-sentenza.

(2) Meta jkun hemm azzjoni li tkun tinvolvi iktar minn attur wieħed jew iktar minn konvenut wieħed, sentenza li taqta' l-azzjoni dwar xi attur jew konvenut partikolari jista' biss isir appell minnha fiż-żmien stabbilit li jibda jitqies mill-jum ta' dik is-sentenza.".

Sostituzzjoni ta' l-artikolu 233 tal-liġi prinċipali.

115. Minflok l-artikolu 233 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Setgħa tal-qorti tal-appell li tillikwida danni, imgħaxijiet jew utli.

233. (1) Meta qorti fi grad ta' appell tħassar sentenza u tilqa' t-talba għad-danni jew imgħaxijiet jew għar-radd ta' l-utli, hija għandha tagħmel dik il-likwidazzjoni mingħajr ma tibgħat lura l-atti tal-kawża lill-qorti ta' l-ewwel grad, sakemm il-qorti ma tqisx li għal raġunijiet eċċezzjonali jkun fl-interess tal-ġustizzja li tibgħat il-kawża lura fil-qorti ta' l-ewwel grad.

(2) Bl-istess mod il-qorti fi grad ta' appell għandha, fil-każ ta' tħassir ta' sentenza li teħles lill-konvenut mill-osservanza tal-ġudizzju jew ta' sentenza mogħtija taħt id-dispożizzjonijiet tas-subartikolu (1) jew tas-subartikolu (2) ta' l-artikolu 170, jew terġa' tibgħat il-proċess lura fil-qorti ta' l-ewwel grad jew tiddeċiedi dwar il-mertu tal-każ, skond iċ-ċirkostanzi.".

Emenda ta' l-artikolu 234 tal-liġi prinċipali.

116. Fl-artikolu 234 tal-liġi prinċipali minflok il-kliem "digriet mogħti" għandhom jidħlu l-kliem "sentenza mogħtija".

Emenda ta' l-artikolu 235 tal-liġi prinċipali.

117. Fl-ewwel proviso li hemm għall-artikolu 235 tal-liġi prinċipali minflok il-kliem "fiż-żmien ta' għaxart ijiem" għandhom jidħlu l-kliem "fiż-żmien ta' ħmistax-il jum".

Emenda ta' l-artikolu 239 tal-liġi prinċipali.

118. L-artikolu 239 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) fis-subartikolu (1) tiegħu minflok il-kliem "li jiġu mniżżlin" għandhom jidħlu l-kliem "li jiġu insinwati"; u

(b) minflok is-subartikolu (2) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:—

"(2) Kull min għandu interess jista' jitlob li s-sentenza tiġi insinwata fir-Reġistru Pubbliku billi jippreżenta f'dan ir-reġistru nota ta' insinwa flimkien ma' kopja legali ta' dik is-sentenza kif ukoll ċertifikat mingħand ir-reġistratur li juri li s-sentenza tkun għaddiet f'ġudikat. Id-dispożizzjonijiet ta' l-Att dwar ir-Reġistru Pubbliku għandhom jgħoddu dwar kif issir u tiġi preżentata l-imsemmija nota.".

Kap. 56.

Sostituzzjoni ta' l-artikolu 240 tal-liġi prinċipali.

119. Minflok l-artikolu 240 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Appell inċidentali.

240. (1) Kull parti tista' tinqeda b'appell li jsir minn sentenza, magħduda sentenza parzjali u minn kap wieħed jew iżjed ta' kull sentenza, jew minn digriet interlokutorju, u tista' mhux biss tagħmel appell inċidentali dwar is-sentenza definittiva, sentenza parzjali, kap wieħed jew iżjed ta' sentenza, jew digriet interlokutorju li jsir appell minnu, iżda wkoll dwar kull sentenza jew kull kap tagħha jew digrieti interlokutorji mogħtija fl-istess kawża ukoll jekk ma jsirx appell minnhom minn min jappella. Dak l-appell incidentali jista' jsir ukoll kontra u minn kull parti li ma tkunx waħda li kontra tagħha jkun sar l-appell skond is-subartikolu (1) ta' l-artikolu 144:

Iżda parti ma tistax hekk tinqeda b'dak l-appell dwar sentenza partikolari jekk dik il-parti tkun diġà appellat minn dik is-sentenza jew minn xi kap tagħha.

(2) Dik il-parti li tkun bi ħsiebha tinqeda b'dak l-appell għandha tagħmel dikjarazzjoni f'dak is-sens fir-risposta fejn issemmi t-talbiet tagħha u r-raġunijiet għall-appell inċidentali tagħha.".

Sostituzzjoni ta' l-artikolu 242 tal-liġi prinċipali.

120. Minflok l-artikolu 242 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Avviż dwar il-validità ta' liġijiet.

Kap. 319.

242. Meta qorti, permezz ta' sentenza li tkun għaddiet f'ġudikat, tiddikjara li xi dispożizzjoni ta' xi liġi tmur kontra xi dispożizzjoni tal-Kostituzzjoni ta' Malta jew xi dritt tal-bniedem jew libertà fondamentali elenkati fl-Ewwel Skeda li tinsab ma' l-Att dwar il-Konvenzjoni Ewropea, jew li tkun *ultra vires*, ir-reġistratur għandu jibgħat kopja ta' l-imsemmija sentenza lill-i*Speaker* tal-Kamra tad-Deputati li għandu meta l-Kamra tiltaqa' għall-ewwel darba wara li jkun irċeva dik is-sentenza jgħarraf lill-Kamra b'dak li jkun irċieva u jqiegħed kopja tas-sentenza fuq il-Mejda tal-Kamra.".

Emenda ta' l-artikolu 243 tal-liġi prinċipali.

121. Fis-subartikolu (1) ta' l-artikolu 243 tal-liġi prinċipali l-kliem "għan-nota ta' l-appell, jew" għandhom jitħassru.

Sostituzzjoni ta' l-artikolu 244 tal-liġi prinċipali.

122. Minflok l-artikolu 244 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Introduzzjoni ta' l-atti.

244. (1) Meta isiru proċedimenti għall-appell, l-atti tal-qorti ta' l-ewwel grad għandhom jiġu mdaħħla fil-qorti fi grad ta' appell.

(2) Id-dritt stabbilit għall-introduzzjoni ta' l-atti għandu jitħallas flimkien mad-dritt għall-preżentata tar-rikors.".

Sostituzzjoni ta' l-artikolu 245 tal-liġi prinċipali.

123. Minflok l-artikolu 245 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Kif issir l-introduzzjoni ta' l-atti.

245. Fl-appelli mis-sentenzi jew digrieti tal-Qorti Ċivili, Prim'Awla, u mid-deċiżjonijiet mogħtijin mill-Bord li Jirregola l-Kera, l-introduzzjoni ta' l-atti ssir kemm jista' jkun malajr billi dawn jitressqu quddiem il-Qorti ta' l-Appell mir-reġistratur.".

Thassir ta' l-artikolu 246 tal-liġi prinċipali.

124. L-artikolu 246 tal-liġi prinċipali għandu jitħassar.

Sostituzzjoni ta' l-artikolu 247 tal-liġi prinċipali.

125. Minflok l-artikolu 247 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Introduzzjoni ta' atti f'appelli minn qorti inferjuri għall-Qorti ta' l-Appell.

247. (1) F'appelli mis-sentenzi tal-Qorti tal-Maġistrati (Għawdex) u mis-sentenzi tal-Qorti tal-Maġistrati (Malta), l-introduzzjoni ta' l-atti ssir billi uffiċjal tal-qorti li tkun, jibgħat dawn l-atti lir-reġistratur tal-Qorti ta' l-Appell.

(2) Għall-finijiet tas-subartikolu (1) ta' dan l-artikolu —

(a) ir-reġistratur għandu, fl-istess ġurnata li fiha jkun sar l-appell, jgħarraf bil-miktub lill-uffiċjal tal-qorti li tkun, b'dak l-appell;

(b) meta jsir it-tagħrif lil uffiċjal tal-Qorti tal-Maġistrati (Għawdex), ir-Reġistratur, minbarra t-tagħrif bil-miktub, għandu wkoll jgħarrfu bil-mezz tat-*telefax* jew apparat elettroniku ieħor jew bil-fomm permezz tat-telefon.

(3) Fl-appelli li jsiru kontra sentenza tal-Qorti tal-Maġistrati (Għawdex), it-trasmissjoni ta' l-atti titqies li tkun saret bil-kunsinna ta' l-atti indirizzati lir-reġistratur lill-Uffiċċju tal-Posta, ir-Rabat, Għawdex.".

Thassir ta' l-artikolu 248 tal-liġi prinċipali.

126. L-artikolu 248 tal-liġi prinċipali għandu jitħassar.

Sostituzzjoni ta' l-artikolu 249 tal-liġi prinċipali.

127. Minflok l-artikolu 249 tal-liġi prinċipali għandu jidħol dan li ġej:—

"Garanzija għall-ispejjeż tal-kawża.

249. (1) Mingħajr ħsara għad-dispożizzjonijiet tal-proviso li hemm mas-subartikolu (1) ta' l-artikolu 209, u sakemm ma jiġix provdut mod ieħor f'xi liġi oħra, fil-każ ta' appell minn sentenzi jew digrieti mogħtija f'kawża mibdija b'ċitazzjoni, il-garanzija għall-ispejjeż għandha ssir u tiġi depożitata fil-qorti sa mill-anqas jum qabel ma jibda jinstama' dak l-appell.

(2) Dik il-garanzija għandha tkun fis-somma stabbilita mir-reġistratur u għandha ssir jew billi jiġu depożitati flus likwidi jew billi tinħareġ garanzija bankarja ta' bank li jkollu liċenza skond l-Att dwar il-Kummerċ Bankjarju skond l-Iskeda C li tinsab ma' dan il-Kodiċi.

Kap. 215.

(3) Dak id-depożitu ma għandux jissodisfa it-talbiet tal-kredituri ta' dik il-parti li tkun għamlet dak id-depożitu, sakemm dan jibqa' hekk depożitat sabiex bih jitħallsu l-ispejjeż tal-kawża.

(4) Il-Gvern ta' Malta, korporazzjonijiet pubbliċi, il-Bank Ċentrali ta' Malta u l-banek li għandhom liċenza maħruġa skond l-Att dwar il-Kummerċ Bankarju, huma eżenti milli jagħmlu dik il-garanzija.

(5) Il-Ministru responsabbli għall-ġustizzja jista' b'regolamenti jeżenta lil kull kategorija oħra ta' persuni jew ta' korpi milli jagħtu dik il-garanzija.

(6) Meta d-dispożizzjonijiet ta' l-artikoli 893 sa 905 ma jkunux konsistenti ma' dan l-artikolu, dawn ma jgħoddux għall-garanzija mogħtija taħt dan l-artikolu.".

Emenda ta' l-artikolu 250 tal-liġi prinċipali.

128. Fl-artikolu 250 tal-liġi prinċipali il-kliem "jew meta l-appell isir f'isem ta' dipartiment tal-Gvern jew ta' amministrazzjoni taħt il-Gvern," għandhom jitħassru.

Emenda ta' l-artikolu 251 tal-liġi prinċipali.

129. Fl-artikolu 251 tal-liġi prinċipali minflok il-kliem "fl-artikoli 226 u 242" fl-artikolu nnifsu u fin-nota marġinali tiegħu jidħlu l-kliem "fl-artikolu 226".

Emenda ta' l-artikolu 255 tal-liġi prinċipali.

130. Fil-paragrafu (b) ta' l-artikolu 255 tal-liġi prinċipali il-kliem "ta' persuna jew" għandhom jitħassru.

Sostituzzjoni ta' l-artikolu 258 tal-liġi prinċipali.

131. Minflok l-artikolu 258 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Tmexxija għall-esekuzzjoni ta' titolu esekuttiv wara l-għeluq ta' ħames snin.

258. Wara l-għeluq ta' ħames snin minn dak in-nhar li fih skond il-liġi it-titolu esekuttiv imsemmi fl-artikolu 253 seta' ġie esegwit, l-esekuzzjoni tista' ssir biss wara talba magħmula b'rikors quddiem il-qorti kompetenti. Ir-rikorrent għandu wkoll jikkonferma bil-ġurament ix-xorta tad-dejn jew tat-talba li jkun qed ifittex l-esekuzzjoni tagħha, u li d-dejn jew parti minnu jkun għadu dovut.".

Emenda ta' l-artikolu 259 tal-liġi prinċipali.

132. L-artikolu 259 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) fis-subartikolu (1) tiegħu minflok il-kliem "Iċ-ċitazzjoni msemmija fl-aħħar artikolu qabel dan hi dejjem meħtieġa," għandhom jidħlu l-kliem "Ir-rikors imsemmi fl-aħħar artikolu qabel dan hu dejjem meħtieġ,";

(b) minnufih wara s-subartikolu (3) tiegħu għandu jiżdied dan is-subartikolu ġdid li ġej:—

"(4) L-eredi, suċċessuri jew ċessjonarji tal-kreditur jistgħu jagħmlu rikors li jiġi notifikat lid-debitur, lill-eredi, suċċessuri jew ċessjonarji tiegħu, fejn jitolbu lill-qorti sabiex jiġi esegwit kull titolu eżekuttiv f'isem il-kreditur ukoll jekk ma jkunx skada ż-żmien imsemmi fl-artikolu ta' qabel dan. Dan ir-rikors għandu jintlaqa' mill-qorti jekk din tkun sodisfatta illi:

(a) ir-rikorrenti huma l-uniċi eredi, suċċessuri jew ċessjonarji tal-kreditur;

(b) it-titolu eżekuttiv għadu jiswa dwar dak li jkun qed jintalab; u

(ċ) il-persuni li tkun qed tintalab l-eżekuzzjoni kontrihom ikunu d-debitur, jew l-eredi, suċċessuri jew ċessjonarji tiegħu.".

Emenda ta' l-artikolu 267 tal-liġi prinċipali.

133. Fl-artikolu 267 tal-liġi prinċipali il-kliem "fl-artikolu 254 u" għandhom jitħassru.

Emenda ta' l-artikolu 268 tal-liġi prinċipali.

134. Fl-artikolu 268 tal-liġi prinċipali il-kelma "254," għandha titħassar.

Sostituzzjoni ta' l-artikolu 270 tal-liġi prinċipali.

135. Minflok l-artikolu 270 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"X'jinħtieġ għar-reġistrazzjoni fir-Reġistru Pubbliku ta' noti ta' riferenza ħerġin minn sentenza.

270. Id-Direttur tar-Reġistru Pubbliku ma għandu jirċievi ebda nota ta' riferenza li toħroġ minn sentenza li għandha x'taqsam ma' xi reġistrazzjoni ipotekarja sakemm ma jintbagħtux lill-imsemmi reġistru flimkien man-nota imsemmija qabel, kopja awtentika tas-sentenza flimkien ma' ċertifikat mingħand ir-reġistratur li ma hemm ebda appell dwar dik is-sentenza u li ż-żmien biex isir dak l-appell skada jew li ma jistax ikun hemm appell mis-sentenza, skond il-każ:

Iżda dak imsemmi qabel f'dan ir-regolament ma għandux ikun jgħodd meta d-Direttur tar-Reġistru Pubbliku jkun parti fil-kawża, f'liema każ huwa għandu jieħu l-passi meħtieġa kif imsemmi qabel hekk kif is-sentenza tgħaddi f'ġudikat.".

Emenda ta' l-artikolu 274 tal-liġi prinċipali.

136. Fil-proviso li hemm mas-subartikolu (1) ta' l-artikolu 274 tal-liġi prinċipali minflok il-kliem "bil-firma tar-reġistratur persunali," għandhom jidħlu l-kliem "bil-firma personali tar-reġistratur wara li jkun l-ewwel kiseb awtorizzazzjoni verbali mingħand l-imħallef jew il-maġistrat biex jagħmel hekk, l-imħallef jew il-maġistrat għandu wkoll iżid il-firma tiegħu taħt dik tar-reġistratur ma' l-ewwel opportunità li jkollu bi prova li dik l-awtorità tkun ingħatat jew inkella, jekk mhuwiex possibbli għar-reġistratur li jikseb minn qabel dik l-awtorizzazzjoni, ir-reġistratur għandu joħroġ dak il-mandat jew ordni bil-firma tiegħu biss b'dan illi mħallef jew maġistrat ikun irid jirratifika dik il-firma kemm jista' jkun malajr".

Emenda ta' l-artikolu 275 tal-liġi prinċipali.

137. Minflok is-subartikolu (1) ta' l-artikolu 275 tal-liġi prinċipali għandu jidħol dan li ġej:

"(1) Dik it-talba għandha ssir b'rikors.".

Emenda ta' l-artikolu 280 tal-liġi prinċipali.

138. Minflok is-subartikolu (1) u n-nota marġinali ta' l-artikolu 280 tal-liġi prinċipali għandu jidħol dan li ġej:—

"Żmien li fih tista' ssir l-esekuzzjoni ta' mandati u ordniijiet.

280. (1) Ħlief fil-każijiet imsemmija f'dan il-Kodiċi, ebda mandat ma għandu jiġi esegwit qabel is-sitta ta' filgħodu jew wara t-tmienja ta' filgħaxija, taħt piena ta' nullità ta' l-esekuzzjoni.".

Emenda ta' l-artikolu 283 tal-liġi prinċipali.

139. Fis-subartikolu (1) ta' l-artikolu 283 tal-liġi prinċipali minflok il-kliem minn "ammenda sa lira," sa "Atti Nutarili," għandhom jidħlu l-kliem "penali sa għoxrin lira, jew dik is-somma akbar li ma tkunx aktar minn mitt lira kif il-Ministru responsabbli għall-ġustizzja minn żmien għal żmien b'ordni fil-Gazzetta jistabbilixxi, li tingħata mill-Qorti u li tkun esegwibbli bħala dejn ċivili,".

Żieda ta' l-artikolu 283A ġdid mal-liġi prinċipali.

140. Minnufih wara l-artikolu 283 tal-liġi prinċipali għandu jiżdied dan l-artikolu ġdid li ġej:—

"Kif jistgħu l-atti esekuttivi jiġu attakkati. Appell minn digriet.

283A. (1) Mingħajr preġudizzju għal kull jedd ieħor taħt din il-liġi jew xi liġi oħra, min jinħareġ kontrih att esekuttiv jista' jagħmel rikors lil dik il-qorti li tkun ħarġet dak l-att fejn jitlob li l-att esekuttiv jitħassar, sew għal kollox jew f'parti minnu biss, għal raġuni valida skond il-liġi.

(2) Il-qorti għandha tappunta għas-smiegħ u tisma' r-rikors imsemmi fis-subartikolu (1) ta' dan l-artikolu, fi żmien sitt ijiem mill-preżentata tar-rikors.

(3) Kopja tar-rikors għandha tiġi notifikata lill-persuna li fuq talba tagħha ikun inħareġ l-att esekuttiv u hija għandha mhux aktar tard mill-jum appuntat għas-smiegħ tar-rikors, tagħti r-raġunijiet tagħha, jekk ikollha, għaliex dik it-talba ma għandhiex tintlaqa'. Fin-nuqqas ta' din l-oppożizzjoni il-qorti għandha tilqa' t-talba.

(4) Wara li l-qorti tkun semgħet lill-partijiet, hija għandha b'digriet separat, mogħti fil-qorti bil-miftuħ, jew tiċħad ir-rikors jew inkella tilqa' t-talba li jkun hemm fir-rikors u timponi dawk il-kondizzjonijiet li jistgħu jidhrulha xierqa li tagħmel.

(5) Appell minn digriet mogħti taħt is-subartikolu (4) ta' dan l-artikolu jista' jsir b'rikors fi żmien sitt ijiem minn meta d-digriet jinqara fil-qorti bil-miftuħ.

(6) Il-garanzija msemmija fl-artikolu 249 ma tenħtieġx fil-każijiet imsemmija fis-subartikolu ta' qabel dan.".

141. Minflok l-artikolu 292 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:— Sostituzzjoni ta' l-artikolu 292 tal-liġi prinċipali.

"Ħatra ta' kunsinnatarju mill-marixxall.

292. (1) Jekk id-debitur ma jġibx kunsinnatarju magħruf bħala tajjeb u mhux eċċettwat taħt l-artikolu 293, il-kunsinnatarju jiġi maħtur mill-marixxall b'dan illi l-ispejjeż jitħallsu provviżorjament mill-kreditur.

(2) Meta ma jinstabx kunsinjatarju, il-marixxall għandu jirrapporta dwar dan lill-qorti u l-qorti tista', wara li tisma' lill-kreditur kif ikun meħtieġ, tordna lill-marixxall sabiex jieħu pussess tal-ħwejjeġ maqbuda u sabiex jiddepożitahom taħt l-awtorità tal-qorti permezz ta' ċedola ta' depożitu bi spejjeż provviżorjament tal-kreditur, u r-reġistratur għandu wkoll jiżgura ruħu li dawk il-ħwejjeġ, meta jkun possibbli, jkunu assikurati kontra l-ħsarat u s-serq bi spejjeż provviżorjament tal-kreditur. Il-perijodu inizjali ta' assigurazzjoni jkun għal żmien sena.

(3) Il-qorti tista' f'kull żmien, wara li ssirilha talba b'rikors mill-kreditur, mid-debitur jew minn persuna oħra li jkollha interess, tagħti dawk l-ordnijiet li tista' tqis meħtieġa dwar il-kunsinnatarju, magħduda s-sostituzzjoni tiegħu, u tista' tagħti dawk id-direttivi kollha li tqis xierqa għall-kustodja aħjar tal-ħwejjeġ maqbuda.".

142. Minflok l-artikolu 298 tal-liġi prinċipali għandu jidħol dan li ġej:— Sostituzzjoni ta' l-artikolu 298 tal-liġi prinċipali.

"Il-kunsinnatarju ma jistax jinqeda bil-ħwejjeġ maqbuda.

298. (1) Il-kunsinnatarju ma jistax jinqeda bil-ħwejjeġ maqbuda, lanqas jippermetti lid-debitur li juża l-ħwejjeġ maqbuda jew li jibqa' jżommhom fil-pussess tiegħu, lanqas jagħtihom b'kiri jew b'self, taħt piena li jitlef il-jedd għall-ħlas ta' l-ispejjeż ta' l-irfigħ tagħhom u li jiġi kkundannat għall-ħlas tad-danni u ta' l-imgħaxijiet:

Iżda d-debitur jista' jitħalla juża jew jibqa' jżomm pussess ta' dawk l-oġġetti minn fost il-ħwejjeġ maqbuda li l-qorti tista' tawtorizza jekk il-qorti tqis li dawk l-oġġetti huma normalment meħtieġa f'dar medja għal għajxien deċenti sabiex tinżamm id-dinjità umana tad-debitur u tal-familja tiegħu.

(2) Meta jinqabdu ħwejjeġ li jiddeterjoraw, il-qorti tista' jew minn jeddha jew fuq talba ta' kwalunkwe persuna, tordna lill-kunsinnatarju li jbiegħ il-ħwejjeġ maqbuda taħt dawk il-kundizzjonijiet li l-qorti tista' tistabbilixxi, u r-rikavat minn dak il-bejgħ għandu jiġi depożitat mill-kunsinnatarju permezz ta' ċedola ta' depożitu fir-reġistru tal-qorti kompetenti, u dak ir-rikavat għandu, għal kull għan tal-liġi, jirrappreżenta il-ħwejjeġ maqbuda.".

Emenda ta' l-artikolu 300 tal-liġi prinċipali.

143. Fl-artikolu 300 tal-liġi prinċipali minflok il-kliem minn "missier tajjeb tal-familja," sal-kliem "l-mandat jiġi mħassar." għandhom jidħlu l-kliem "missier tajjeb tal-familja; jekk il-kunsinnatarju jonqas li jippreżenta dawk il-ħwejjeġ meta jintalab biex jagħmel dan, il-qorti tista' tordnalu jidher quddiemha biex jiġġustifika n-nuqqas tiegħu li jagħmel dan, u l-qorti tista', wara li teżamina ċ-ċirkostanzi tal-każ, tagħti dawk l-ordnijiet li jidhrilha, magħdud l-arrest personali tal-kunsinnatarju, sabiex huwa jinġiegħel jippreżenta dik il-proprjetà. In-nuqqas tal-kunsinnatarju li jippreżenta dik il-proprjetà meta jiġi ordnat mill-qorti biex jagħmel dan għandu minnu nnifsu jikkostitwixxi disprezz lejn l-awtorità tal-qorti.".

Emenda ta' l-artikolu 304 tal-liġi prinċipali.

144. Minflok il-paragrafi (a), (b) u (ġ) ta' l-artikolu 304 tal-liġi prinċipali għandhom jidħlu dawn il-paragrafi ġodda li ġejjin:

"(a) l-ilbies ta' kuljum, is-sodod u dawk l-affarijiet tal-kċina u l-għamara li jitqiesu raġonevolment meħtieġa għall-għajxien b'mod deċenti tad-debitur u tal-familja tiegħu;

(b) il-kotba tal-professjoni tad-debitur jew tat-tfal tiegħu;

(ġ) kull proprjetà ta' kull membru tal-Korp tal-Pulizija jew tal-Forzi Armati ta' Malta li tkun armi, munizzjon, tagħmir, strumenti jew ilbies użati minnu fil-qadi ta' dmirijietu:".

Emenda ta' l-artikolu 305 tal-liġi prinċipali.

145. L-artikolu 305 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) is-subartikolu (1A) tiegħu għandu jitħassar;

(b) minflok il-proviso li jinsab mas-subartikolu (2) tiegħu għandu jidħol dan li ġej:—

"Iżda jekk fir-rikors jintalab il-bejgħ ta' azjenda, il-qorti tista' tilqa' dik it-talba billi tiddikjara b'mod dettaljat fid-digriet li hija tqis li jkun fl-aħjar interess tad-debitur u tal-kreditur li tilqa' dik it-talba.";

(ċ) is-subartikolu (2A) tiegħu għandu jitħassar;

(d) dawn is-subartikoli ġodda li ġejjin għandhom jiżdiedu wara s-subartikolu (3) tiegħu:

"(4) Fil-każ ta' digriet kif provdut fil-proviso li hemm mas-subartikolu (2) ta' dan l-artikolu il-proċedura li għandha titħaddem tkun dik stabbilita f'dan is-Sub-titolu għall-bejgħ fl-irkant bil-qorti ta' proprjetà immobbli.

(5) Għall-finijiet ta' dan is-Sub-titolu l-espressjoni "azjenda" tfisser impriża li tkun għandha topera u tirreferi wkoll għal dak is-sehem ta' l-assi tad-debitur li jintuża jew jitħaddem bħala ħaġa waħda u komplementari, b'mod illi l-bejgħ ta' parti jew partijiet minnha mingħajr il-parti l-oħra jew partijiet

oħrajn jagħmlu l-assi mibjugħin ta' użu jew valur anqas għal xerrej, u tinkludi kull assi tanġibbli bħal ma huma oġġetti li jiġu kkunsmati, makkinarju, tagħmir u ħażniet, iżda mhux magħdudin dawk l-assi kollha mhux tanġibbli ħlief għal jeddijiet ta' proprjetà intellettwali u dawk il-jeddijiet l-oħra li jista' jiġi hekk deċiż dwarhom mill-qorti.".

Emenda ta' l-artikolu 307 tal-liġi prinċipali.

146. L-artikolu 307 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) il-proviso li tinsab mas-subartikolu (1) tiegħu għandha titħassar;

(b) is-subartikoli (1A) u (1B) tiegħu għandhom jitħassru; u

(ċ) minnufih wara s-subartikolu (3) tiegħu għandu jiżdied dan is-subartikolu ġdid li ġej:—

"(4) Stima magħmula skond id-dispożizzjonijiet tas-subartikolu (1) ta' l-artikolu 310 u li tkun qegħda fi proċess ta' bejgħ fl-irkant tista' tiġi aċċettata mill-qorti li tkun l-istima li għandha ssir għall-finijet ta' dan l-artikolu.".

Emenda ta' l-artikolu 308 tal-liġi prinċipali.

147. Fis-subartikolu (3) ta' l-artikolu 308 tal-liġi prinċipali minflok il-kliem "b'ċitazzjoni," għandhom jidħlu l-kliem "b'rikors,".

Emenda ta' l-artikolu 310 tal-liġi prinċipali.

148. Fis-subartikolu (1) ta' l-artiklu 310 tal-liġi prinċipali minflok il-kliem "u jfisser il-piżijiet," għandhom jidħlu l-kliem "u jfisser il-piżijiet, kirjiet u jeddijiet oħra sew jekk rejali kemm personali,".

Emenda ta' l-artikolu 311 tal-liġi prinċipali.

149. L-artikolu 311 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) minflok is-subartikoli (2) u (3) tiegħu għandhom jidħlu dawn is-subartikoli ġodda li ġejjin:—

"(2) Meta l-bejgħ fl-irkant ta' fond, jew ta' jeddijiet imgħaqqdin ma' fond, illi jkun qiegħed fil-Gżira ta' Għawdex jew ta' Kemmuna jiġi ordnat minn waħda mill-qrati superjuri, din il-qorti tista' tordna li l-perit jaħlef ir-rapport tiegħu fil-Qorti tal-Maġistrati (Għawdex) quddiem wieħed mill-uffiċjali msemmija fil-paragrafi (a) sa (ċ) tas-subartikolu (2) ta' l-artikolu 57, u li jagħti dan ir-rapport, hekk maħluf, f'idejn l-uffiċjal fuq imsemmi, sabiex dan jibgħatu lill-qorti superjuri li tkun ħarġet l-ordni msemmija.

(3) Meta l-irkant ta' fond, jew ta' jeddijiet imgħaqqdin ma' fond, illi jkun qiegħed fil-Gżira ta' Malta, jiġi ordnat mill-Qorti tal-Maġistrati (Għawdex), dik il-qorti tista' tordna li l-perit jaħlef ir-rapport tiegħu quddiem ir-reġistratur, u li jagħti dak ir-rapport, hekk maħluf, f'idejn ir-reġistratur fuq imsemmi, sabiex dan jintbagħat minnu lill-Qorti tal-Maġistrati (Għawdex)."; u

(b) fis-subartikolu (4) tiegħu minflok il-kliem "appell lill-qorti." għandhom jidħlu l-kliem "appell lill-qorti. Dan l-appell isir b'rikors.".

Emenda ta' l-artikolu 312 tal-liġi prinċipali.

150. Minflok is-subartikolu (1) ta' l-artikolu 312 tal-liġi prinċipali għandu jidħol dan is-subartikolu ġdid li ġej:—

"(1) Wara jumejn minn notifika tad-digriet li bih jiġi ordnat il-bejgħ fl-irkant, jew mill-preżentata tar-rapport tal-perit, il-qorti tappunta ġurnata jew iżjed għall-bejgħ fl-irkant, u tordna l-ħruġ ta' l-avviżi.".

Emenda ta' l-artikolu 313 tal-liġi prinċipali.

151. Fis-subartikolu (1) ta' l-artikolu 313 tal-liġi prinċipali minflok il-kliem "ix-xorta tal-ħaġa li għandha tiġi mibjugħa," għandhom jidħlu l-kliem "ix-xorta tal-ħaġa li għandha tinbiegħ, bid-dettalji kollha rilevanti dwarha,".

Sostituzzjoni ta' l-artikolu 314 tal-liġi prinċipali.

152. Minflok l-artikolu 314 tal-liġi prinċipali għandu jidħol dan li ġej:

"Notifika u ħruġ ta' l-avviż tal-bejgħ fl-irkant.

314. (1) L-avviż għandu jiġi notifikat lid-debitur, lill-kreditur esekutant u lil kull kreditur ieħor li seta' kiseb mandat ta' qbid fuq l-oġġet mibjugħ, jew mandat ta' sekwestru debitament notifikat lir-reġistratur.

(2) Il-qorti għandha tordna li l-avviż jinħareġ f'gazzetta waħda ta' kuljum jew f'iżjed.

(3) Il-ħruġ ta' l-avviż, meta l-qorti ma tordnax xort'oħra, għandu jsir, fil-każ ta' bejgħ ta' immobbli jew ta' bastimenti jew bċejjeċ oħra tal-baħar, jew inġenji ta' l-ajru, mill-inqas ħmistax-il jum qabel dak li jkun ġie ffissat għall-bejgħ fl-irkant, u fil-każ ta' ħwejjeġ mobbli oħra, mill-inqas erbat ijiem qabel il-jum iffissat għall-bejgħ.".

Emenda ta' l-artikolu 316 tal-liġi prinċipali.

153. L-artikolu 316 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) minflok il-paragrafu (a) tas-subartikolu (1) tiegħu għandu jidħol dan il-paragrafu ġdid li ġej:—

"(a) fil-bini tal-qrati tal-ġustizzja; jew"; u

(b) wara s-subartikolu (2) tiegħu għandu jiżdied dan is-subartikolu (3) li ġej:—

"(3) Fil-każ ta' bejgħ fl-irkant ta' titoli elenkati fil-Borża, l-irkant għandu jsir minn *stockbroker* licenzjat skond id-dispożizzjoniiet ta' l-artikolu 9 ta' l-Att dwar il-Borża ta' Malta.". Kap. 345.

Emenda ta' l-artikolu 318 tal-liġi prinċipali.

154. Fl-artikolu 318 tal-liġi prinċipali, minflok il-kliem "L-irkant jista' jsir" għandhom jidħlu l-kliem "Bla ħsara għad-dispożizzjonijiet ta' l-artikolu 305, l-irkant jista jsir", u l-proviso li tinsab ma' l-artikolu għandha titħassar.

Sostituzzjoni ta' l-artikolu 319 tal-liġi prinċipali.

155. Minflok l-artikolu 319 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Ftuħ tal-bejgħ fl-irkant.

319. (1) L-irkant għandu jitmexxa mir-reġistratur jew mill-irkantatur jew *broker* maħtura mill-qorti biex imexxu l-irkant.

(2) L-offerti jsiru bil-fomm. Kull offerta għandha tixxandar mill-anqas tliet darbiet, jekk matul ix-xandir ma ssirx offerta ogħla. Il-liberazzjoni ssir lil min jagħmel l-ogħla offerta fiż-żmien stabbilit fl-avviżi.

(3) L-irkantatur jew *broker* ikollhom jedd għal dritt li jiġi ntaxxat mir-reġistratur skond il-liġi.".

Emenda ta' l-artikolu 320 tal-liġi prinċipali.

156. Is-subartikoli (2) u (3) ta' l-artikolu 320 tal-liġi prinċipali għandhom jitħassru.

Tħassir ta' l-artikolu 321 tal-liġi prinċipali.

157. L-artikolu 321 tal-liġi prinċipali għandu jitħassar.

Emenda ta' l-artikolu 322 tal-liġi prinċipali.

158. Minflok is-subartikolu (3) ta' l-artikolu 322 tal-liġi prinċipali għandu jidħol dan is-subartikolu ġdid li ġej:—

"(3) Ebda offerta ma tintlaqa' jekk din tkun magħmula taħt il-kondizzjoni tal-ħruġ ta' l-editti.".

Emenda ta' l-artikolu 324 tal-liġi prinċipali.

159. Minflok il-proviso li hemm għall-artikolu 324 tal-liġi prinċipali għandu jidħol dan li ġej:—

"Iżda d-dispożizzjonijiet tal-paragarfu (a) ta' dan l-artikolu ma għandhomx japplikaw għall-bejgħ ta' ħwejjeġ mobbli li ma jkunux bastimenti jew bċejjeċ tal-baħar, inġenji ta' l-ajru, oġġetti tad-deheb jew tal-fidda, ishma jew poloz ta' l-assigurazzjoni.".

Sostituzzjoni ta' l-artikolu 325 tal-liġi prinċipali.

160. Minflok l-artikolu 325 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Meta għandha tingħata ġurnata oħra biex jissokta l-irkant. Il-liberazzjoni ssir f'din il-ġurnata l-oħra. Riżerva.

325. (1) Fil-każijiet imsemmijin fl-aħħar artikolu qabel dan, ir-reġistratur għandu, permezz ta' nota, jgħarraf lill-qorti li l-liberazzjoni ma tkunx saret, filwaqt li jagħti r-raġuni għal dan, u il-qorti għandha tagħti ġurnata oħra sabiex fiha jissokta l-irkant, u għandha tordna l-ħruġ ta' avviżi oħra li fihom jingħad li l-proprjetà li tkun ser tinbiegħ fl-irkant tkun liberata b'kull offerta. Il-liberazzjoni ssir fil-ġurnata msemmija f'dawn l-avviżi, kemm-il darba l-qorti, fuq talba tal-kreditur jew ta' oħrajn li jkollhom interess, minbarra d-debitur, ma terġax iġġedded, għal raġuni tajba, dak iż-żmien, bi spejjeż ta' min jagħmel it-talba, u f'dan il-każ għandhom jinħarġu avviżi mill-ġdid. Dik il-liberazzjoni għandha ssir bla ħsara għad-dispożizzjoni ta' l-artikolu 327.

(2) Meta l-irkant ma jsirx għal xi raġuni oħra minbarra xi waħda minn dawk imsemmija fl-artikolu 324, il-proċedura imsemmija fis-subartikolu (1) ta' dan l-artikolu għandha tgħodd *mutatis mutandis*.

(3) Id-dispożizzjonijiet tas-subartikoli (2) u (3) ta' l-artikolu 314 għandhom jgħoddu fil-każijiet imsemmija fis-subartikoli (1) u (2) ta' dan l-artikolu.".

Emenda ta' l-artikolu 326 tal-liġi prinċipali.

161. L-artiklu 326 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (3), minflok il-kliem "f'anqas minn erbat ijiem tax-xogħol" għandhom jidħlu l-kliem "f'anqas minn sitt ijiem"; u

(b) minflok is-subartikolu (4) ta' l-artikolu 326 tal-liġi prinċipali għandu jidħol dan is-subartikolu ġdid li ġej:—

"(4) Kull min għandu interess jista' jagħmel rikors li bih jitlob lill-qorti tirrevoka *contrario imperio* d-digriet tagħha li bih tkun awtorizzat it-twaqqif ta' l-irkant jew tal-liberazzjoni u l-qorti għandha tisma' lill-partijiet b'mod sommarju qabel ma tagħti d-digriet tagħha. Kull digriet bħal dan ma jista' jiġi kkontestat f'ebda qorti.".

Emenda ta' l-artikolu 327 tal-liġi prinċipali.

162. L-artikolu 327 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) fis-subartkolu (1) tiegħu, il-kliem "bħal fis-sens ta' l-artikolu 322," għandhom jitħassru;

(b) mas-subartikolu (1) tiegħu għandu jiżdied dan il-proviso ġdid li ġej:

"Iżda l-offerta ogħla msemmija f'dan is-subartikolu għandha fil-każ ta' liberazzjoni ta' ħaġa immobbli tkun ogħla minn tlieta fil-mija mill-prezz ta' liberazzjoni, u fil-każ ta' azjenda, ma tkunx anqas minn għaxra fil-mija mill-prezz ta' liberazzjoni.";

(ċ) fis-subartikolu (2) tiegħu minflok il-kliem "u l-offerent il-ġdid." għandhom jidħlu l-kliem "u l-offerent il-ġdid. Il-qorti għandha tordna wkoll lir-reġistratur li jippubblika avviżi ġodda fil-Gazzetta u ġurnal ta' kuljum li fihom jintwera li l-liberazzjoni finali ma tkunx ser issir billi tkun saret offerta ogħla fi żmien ħmistax-il jum mil-liberazzjoni skond is-subartikolu (1) ta' dan l-artikolu, u l-Qorti għandha tindika l-jum stabbilit għal-liberazzjoni finali."; u

(d) is-subartikolu (3) tiegħu għandu jitħassar.

Emenda ta' l-artikolu 328 tal-liġi prinċipali.

163. Fl-artikolu 328 tal-liġi prinċipali minflok il-kliem "erbat ijiem" għandhom jidħlu l-kliem "sebat ijiem".

164. Minnufih wara s-subartikolu (2) ta' l-artikolu 331 tal-liġi prinċipali għandu jiżdied dan is-subartikolu ġdid li ġej: Emenda ta' l-artikolu 331 tal-liġi prinċipali.

"(3) Fil-każ ta' bastimenti, jew bċejjeċ oħra tal-baħar jew inġenji ta' l-ajru, il-qorti tista' tagħmel dawk l-ordnijiet li hija tqis li jkunu xierqa sabiex tiżgura li l-proprjetà liberata tiġi konsenjata lix-xerrej minnufih malli x-xerrej jagħmel dik il-garanzija li l-qorti tista' tistabbilixxi biex tħares it-talbiet tal-partijiet. Dawk l-ordnijiet jistgħu wkoll jingħataw f'każijiet oħra meta l-qorti tikkonsidra li dewmien fil-konsenja tal-proprjetà jista' jikkawża preġudizzju serju lix-xerrej. Ordni mogħti bis-saħħa ta' dan is-subartikolu ma jista' jiġi kkontestat b'ebda mod u għandu jitwettaq minnufih.".

165. Fis-subartikolu (3) ta' l-artikolu 335 tal-liġi principali minflok il-kliem "iġibu 'l quddiem" għandhom jidħlu l-kliem "iġibu 'l quddiem, u kull mandat ta' impediment tas-safar ta' bastiment jew ta' biċċa oħra tal-baħar li jkunu qegħdin għall-bejgħ". Emenda ta' l-artikolu 335 tal-liġi prinċipali.

166. L-artikolu 338 tal-liġi prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 338 tal-liġi prinċipali.

(a) fis-subartikolu (1) tiegħu minflok il-kliem "jew ta' sekwestru" għandhom jidħlu l-kliem "jew ta' sekwestru jew ta' impediment tas-safar";

(b) minflok is-subartikoli (2) u (3) tiegħu għandu jidħol dan li ġej:

"(2) Il-persuni hekk notifikati għandhom żmien tlett ijiem biex jippreżentaw tweġiba li fiha jiddikjaraw bid-dettal ir-raġunijiet għall-oppożizzjoni tagħhom u s-somom kontestati; u meta dik l-oppożizzjoni tkun imsejjsa fuq talba li tolqot ir-rikavat tal-bejgħ u allegata kawża ta' preferenza, huma għandhom jiddikjaraw l-ammont ta' dik it-talba u l-bażi għal dik il-preferenza. Dawn il-persuni għandhom flimkien mar-risposta jippreżentaw kull prova rilevanti sabiex jissostanzjaw l-opożizzjoni tagħhom.

(3) Fil-każ ta' risposta li topponi t-talba għall-approvazzjoni magħmula skond is-subartikolu (2) ta' dan l-artikolu, il-qorti għandha tagħti lir-rikorrent tlett ijiem żmien biex jippreżenta risposta flimkien ma' kull prova biex iwaqqa' l-oppożizzjoni, u wara li tisma' lill-partijiet sommarjament, hija għandha tagħti dawk l-ordnijiet li jidhrulha xierqa fiċ-ċirkostanzi."; u

(ċ) minnufih wara s-subartikolu (3) tiegħu għandhom jiżdiedu dawn is-subartikoli ġodda li ġejjin:

"(4) Il-qorti tista' tapprova t-tpaċija bil-kondizzjoni li għandha tingħata garanzija biżżejjed mir-rikorrent sabiex jiżgura it-talbiet ta' kull min sa dak il-jum ikun għamel oppożizzjoni skond is-subartikolu (2) ta' dan l-artikolu:

Iżda l-Qorti tista', f'kull żmien, teżenta lir-rikorrent milli jipprovdi l-garanzija msemmija jew teħles jew tnaqqas dik il-garanzija li setgħet ġiet provduta jekk hija tqis li t-talba jew l-oppożizzjoni magħmula hija għal kollox jew f'parti minnha frivola jew vessatorja:

Iżda wkoll fil-każ li r-rikorrent ikun diġà ta garanzija skond is-subartikolu (3) ta' l-artikolu 331, il-qorti tista' tordna li dik il-garanzija tinżamm jew titnaqqas skond kif hija tqis xieraq.

(5) Il-qorti tista' f'kull żmien tordna lill-parti jew lill-partijiet li jkunu qed jagħmlu oppożizzjoni li jipprovdu garanzija xierqa f'dak l-ammont u f'dak iż-żmien li jiġi stabbilit mill-qorti sabiex jiżguraw kull talba li r-rikorrent jista' jkollu kontra dik il-parti li tkun qed tagħmel oppożizzjoni għal kull danni kkaġunati minħabba dik l-oppożizzjoni. Fil-każ li dik il-garanzija ma tingħatax,il-qorti għandha tagħti dawk l-ordnijiet li jidhrulha xierqa, magħduda ordni li kull garanzija diġà mogħtija mir-rikorrent għandha tinħeles kollha kemm hi jew f'parti minnha.

(6) Meta jkunu ingħataw garanziji skond dan l-artikolu jew skond is-subartikolu (3) ta' l-artikolu 331, kull min ikollu interess jista' għalhekk jibda proċediment skond il-proċedura stabbilita bl-artikolu 416 sabiex tinqata' b'mod konklussiv kull kwistjoni dwar dik il-garanzija.

(7) Kull ordni mogħti mill-qorti skond dan l-artikolu, minbarra kull deċiżjoni bis-saħħa tas-subartikolu (6) ta' dan l-artikolu, ikun finali u m'għandu jiġi kkontestat b'ebda mod u għandu jitwettaq minnufih.".

Emenda ta' l-artikolu 340 tal-liġi prinċipali.

167. L-artikolu 340 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) dawn il-proviso li ġejjin għandhom jiżdiedu mas-subartikolu (1) tiegħu:

"Iżda kull min ikun għamel offerta *animo compensandi* taħt il-kundizzjoni msemmija fl-artikolu 334 għandu, fi żmien sitt ijiem minn meta jiġi notifikat bl-ordni tal-qorti li tiċħad ir-rikors tiegħu għat-tpaċija, jiddepożita l-prezz fir-reġistru tal-qorti, f'liema każ id-dispożizzjonijiet ta' dan l-artikolu ma jgħoddux. Fil-każ li dik il-parti tonqos milli tħallas il-prezz f'dak iż-żmien mogħti, għandu jgħodd l-artikolu 329:

Iżda wkoll fil-każ li l-proprjetà liberata tiġi trasferita u mogħtija lix-xerrej skond is-subartikolu (3) ta' l-artikolu 331, id-dispożizzjonijiet ta' dan l-artikolu ma għandhomx jgħoddu u d-dispożizzjonijiet tas-subartikolu (6) ta' l-artikolu 338 għandhom jgħoddu għall-garanzija kif ordnata li tingħata mill-qorti."; u

(b) minflok is-subartikolu (2) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:

"(2) Meta t-tpaċija tiġi approvata mingħajr kundizzjonijiet, ix-xerrej għandu l-jedd għat-trasferiment formali u li jieħu l-kunsinna tal-proprjetà mobbli liberata lilu jew, fil-każ li l-proprjetà tkun diġà ġiet konsenjata taħt is-subartikolu (3) ta' l-artikolu 331, ix-xerrej ikollu jedd għall-ħelsien ta' kull garanzija li jkun għamel.".

Sostituzzjoni ta' l-artikolu 346 tal-liġi prinċipali.

168. Minflok l-artikolu 346 tal-liġi prinċipali għandu jidħol dan li ġej:

"Jedd ta' kredituri oħra li jissoktaw l-atti ta' l-irkant.

346. (1) Kull kreditur ieħor jista' permezz ta' nota li tiġi notifikata lill-esekutant u lid-debitur, jidħol fl-atti ta' l-irkant bħala esekutant ieħor, u dan l-esekutant l-ieħor ikollu l-istess jeddijiet u obbligazzjonijiet daqslikieku kien l-esekutant oriġinali.

(2) Kull esekutant jista' jkompli l-atti ta' l-irkant indipendentement miċ-ċessjoni ta' kull esekutant ieħor jew mill-mewt tiegħu.".

Emenda ta' l-artikolu 348 tal-liġi prinċipali.

169. L-artikolu 348 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) minflok in-nota marġinali tiegħu għandu jidħol dan li ġej:

"Proċedura fl-irkant ta' merkanzija jew ta' proprjetà oħra"; u

(b) minflok is-subartikolu (1) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:—

"(1) L-irkant ta' merkanziji jew ta' ħwejjeġ mobbli oħra, li ma jkunux titoli elenkati fil-Borża taħt l-Att dwar il-Borża ta' Malta taħt l-awtorità tal-Qorti Ċivili, Prim' Awla, jew tal-Qorti tal-Maġistrati (Għawdex) fil-kompetenza tagħha superjuri, jew tal-Qorti ta' l-Appell, isir permezz ta' irkantatur liċenzjat u fil-preżenza tal-marixxall.". Kap. 345.

Emenda ta' l-artikolu 349 tal-liġi prinċipali.

170. Fl-artikolu 349 tal-liġi prinċipali minflok il-kliem "il-marixxal, l-irkantatur, jew il-banditur," għandhom jidħlu l-kliem "il-marixxal jew irkantatur liċenzjat jew *broker*,".

Emenda ta' l-artikolu 352 tal-liġi prinċipali.

171. L-artikolu 352 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) minflok is-subartikolu (2) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:—

"(2) Isiru nulli wkoll, fl-interess ta' dik il-persuna, il-kiri jew trasferiment ieħor tat-tgawdija ta' dawk il-beni jew jeddijiet u kull tnaqqis jew restrizzjoni fit-tgawdija ta' dawk il-beni jew jeddijiet, li matul is-sena imsemmija jkunu saru mid-debitur mingħajr l-awtorità tal-qorti li tkun tat is-sentenza jew id-digriet."; u

(b) fis-subartikolu (3) tiegħu l-kliem ", wkoll bl-arrest tal-persuna," għandhom jitħassru.

Emenda ta' l-artikolu 354 tal-liġi prinċipali.

172. Fis-subartikolu (2) ta' l-artikolu 354 tal-liġi prinċipali minflok il-kliem "mitejn u ħamsin lira Maltin" għandhom jidħlu l-kliem "elf lira".

Sostituzzjoni ta' l-artikolu 355 tal-liġi prinċipali.

173. Minflok l-artikolu 355 tal-liġi prinċipali għandu jidħol dan li ġej:—

"Jus redimendi.

355. (1) Id-debitur ikollu l-jedd ta' fidwa ta' ħwejjeġ immobbli mibjugħin fl-irkant sakemm dak il-jedd huwa jeżerċitah fi żmien erba' xhur mid-data ta' l-iskrizzjoni ta' l-att tal-liberazzjoni fir-Reġistru Pubbliku.

(2) Għall-finijiet tas-subartikolu (1) ta' dan l-artikolu ħwejjeġ immobbli għandhom ukoll jinkludu ażjenda.

(3) Il-jedd ta' fidwa għandu jiġi eżerċitat billi tiġi ppreżentata ċedola ta' fidwa, flimkien ma' depożitu konkorrenti hekk kif hemm provdut, *mutatis mutandis,* fis-Sub-titolu VI tat-Titolu VI tat-Taqsima II tat-Tieni Ktieb tal-Kodiċi Ċivili.".

Kap. 16.

Sostituzzjoni ta' l-artikolu 356 tal-liġi prinċipali.

174. Minflok l-artikolu 356 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Id-dritt tal-kreditur li jerġa' jbiegħ beni immobbli huwa għal sentejn.

356. (1) Iż-żmien maħsub fl-artikolu 2086 tal-Kodiċi Ċivili, dwar proprjetà liberata f'bejgħ fl-irkant, għandu jkun ta' sentejn li jibdew jgħaddu mid-data ta' l-insinwa ta' l-att ta' liberazzjoni fir-Reġistru Pubbliku.

Kap. 16.

(2) Iż-żmien ta' sentejn imsemmi għandu jitnaqqas għal erba' xhur mid-data tan-notifika permezz ta' att ġudizzjarju ta' kopja ta' l-att ta' liberazzjoni, jew ta' kopja tan-nota ta' l-insinwa ta' l-att ta' liberazzjoni fir-Reġistru Pubbliku, u dan fir-rigward biss ta' kreditur ipotekarju jew privileġġat li jiġi hekk notifikat.

(3) Meta l-bejgħ fl-irkant ikun dak ta' ażjenda li tinkludi ħwejjeġ immobbli, iż-żmien imsemmi ta' sentejn għandu jitnaqqas għal erba' xhur li jibdew jgħaddu mid-data ta' l-insinwa ta' l-att ta' liberazzjoni fir-Reġistru Pubbliku.

(4) Kull azzjoni mill-kreditur ipotekarju jew privileġġat kontra terzi li jkollhom pussess ta' ħwejjeġ immobbli akkwistati bis-saħħa ta' bejgħ fl-irkant tkun preskritta jekk il-protest imsemmi fis-subartikolu (1) ta' l-artikolu 2072 tal-Kodiċi Ċivili (li jsejjah lid-debitur sabiex iħallas id-dejn u lit-terza persuna li jkollha l-pussess jew biex tħallas id-dejn jew biex iċċedi l-proprjetà) ma jiġix ippreżentat fi żmien is-sentejn jew l-erba' xhur imsemmija fis-subartikoli ta' qabel ta' dan l-artikolu, jew inkella jekk il-kreditur jonqos milli jagħmel talba fil-Qorti għall-bejgħ tal-ħwejjeġ immobbli fi żmien sitt xhur minn meta jiġi ppreżentat il-protest imsemmi fis-subartikolu (1) ta' l-artikolu 2072 tal-Kodiċi Ċivili. Din l-azzjoni tkun ukoll preskritta jekk it-terza persuna li jkollha l-pussess iċċedi l-proprjetà u l-kreditur jonqos milli jibda proċeduri għall-bejgħ fl-irkant fi żmien sitt xhur minn notifika ta' kopja tan-nota ta' dik iċ-ċessjoni. Kap. 16.

(5) Minkejja d-dispożizzjonijiet tas-subartikolu (2) ta' l-artikolu 2072 tal-Kodiċi Ċivili, it-talba għall-bejgħ fl-irkant tal-ħaġa immobbli tista' ssir f'kull żmien wara li jgħaddu sittin jum minn meta jiġi preżentat il-protest.

(6) Il-krediturì li jkollhom l-azzjoni tagħhom preskritta skond id-dispożizzjonijiet ta' dan l-artikolu ma jkollhom ebda jedd kontra t-terza persuna li tkun akkwistat il-pussess tal-ħaġa immobbli b'riżultat tal-bejgħ fl-irkant ġdid li jsir taħt id-dispożizzjonijiet imsemmija; iżda dawk il-krediturì jibqgħu jiggradwaw skond ma kienu qabel il-bejgħ.

(7) Jekk qabel jew wara li tkun saret liberazzjoni l-offerent jew ix-xerrej, skond il-każ, jiskopri li l-proprjetà immobbli tkun suġġetta għal kull piż, kirja jew jeddijiet oħra sew reali jew personali li ma jkunux ġew magħduda fil-valutazzjoni skond l-artikolu 310, l-offerent jew ix-xerrej, skond il-każ, ikollu l-jedd, fl-ewwel każ, jew li jitlob li jirtira l-offerta tiegħu jew li jkollu l-offerta tiegħu imnaqqsa, u, fit-tieni każ, ix-xerrej ikollu d-dritt li jitlob ir-rexxissjoni tal-bejgħ.

(8) Dik it-talba għar-rexxissjoni tal-bejgħ għandha ssir mhux aktar tard minn sitt xhur mid-data tal-liberazzjoni permezz ta' rikors li jiġi notifikat lill-kreditur esekutant u lid-debitur.

(9) Il-qorti għandha tilqa' t-talba ta' l-offerent jew tax-xerrej, skond il-każ, jekk hija tkun sodisfatta li n-nuqqas fil-valutazzjoni msemmija jew fl-elenku imsemmi kienet daqstant li kellha effett fuq l-offerta tax-xerrej.".

175. Minflok is-subartikolu (2) ta' l-artikolu 377 tal-liġi prinċipali għandu jidħol dan li ġej:— Emenda ta' l-artikolu 377 tal-liġi prinċipali.

"(2) Kopja tal-mandat għandha tiġi wkoll notifikata lid-debitur bl-istess mod kif hemm provdut fl-artikolu 187, jew, jekk dan ikun nieqes minn Malta, lir-rappreżentant leġittimu tiegħu.".

Emenda ta' l-artikolu 378 tal-liġi prinċipali.

176. Minflok is-subartikolu (4) ta' l-artikolu 378 tal-liġi prinċipali għandu jidħol dan is-subartikolu ġdid li ġej:—

"(4) Id-dikjarazzjoni tista' ssir b'att ġudizzjarju li jiġi notifikat lill-esekutant, jew b'ittra reġistrata mibgħuta lir-reġistratur u kopja tagħha li tintbagħat lill-esekutant. Ir-reġistratur għandu jdaħħal l-ittra fil-proċess ta' bejgħ fl-irkant.".

Emenda ta' l-artikolu 379 tal-liġi prinċipali.

177. Fis-subartikolu (1) ta' l-artikolu 379 tal-liġi prinċipali minnufih wara l-kliem "il-ħwejjeġ issekwestrati." għandhom jidħlu l-kliem "Dik it-talba tista' ssir flimkien mat-talba imsemmija fil-proviso li hemm mas-subartikolu (2) ta' l-artikolu 378.".

Emenda ta' l-artikolu 381 tal-liġi prinċipali.

178. L-artikolu 381 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) minflok is-subartikolu (1) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:—

"(1) Ma jistgħux jinħarġu mandati ta' sekwestru fuq —

(a) salarju jew paga (magħdudin il-bonus, *allowances, overtime* u ħlasijiet oħra);

(b) benefiċċju, pensjoni, *allowance* jew għajnuna msemmija fl-Att dwar is-Sigurtà Soċjali jew pensjoni jew *allowance* oħra ta' persuna li tinħarġilha pensjoni mingħand il-Gvern;

Kap. 318.

(ċ) dak li wieħed jirċievi bħala karità mingħand il-Gvern;

(d) il-legati mħollija espressament għall-manteniment, meta d-debitur ma jkollux mezzi oħra biex jgħix u l-kreditu stess ma jkunx dwar manteniment;

(e) flus li għandhom jingħataw taħt titolu ta' manteniment sew jekk *officio judicis* kemm jekk b'kuntratt pubbliku, meta l-kreditu stess ma jkunx għall-manteniment;

(f) flus li għandhom jingħataw minn dipartiment tas-servizz pubbliku, ċivili jew militari, għall-prezz ta' xogħlijiet jew provvisti.";

(b) il-proviso li hemm mas-subartikolu (3) tiegħu għandu jitħassar; u

(ċ) dan is-subartikolu ġdid li ġej għandu jiżdied minnufih wara s-subartikolu (3) tiegħu:

"(4) Id-dispożizzjonijiet ta' l-artikoli 149, 150 u 151 ta' l-Att dwar il-Forzi Armati ta' Malta għandhom jgħoddu dwar is-salarju ta' uffiċjal jew raġel fil-forza regolari ta' Malta.".

Kap. 220.

Sostituzzjoni ta' l-artikolu 382 tal-liġi prinċipali.

179. Minflok l-artikolu 382 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Salarju jew pagi mhux sekwestrabbli.

382. (1) Fil-każ ta' salarju, paga, benefiċċju, pensjoni jew *allowance* imsemmija fil-paragrafi (a) u (b) tas-subartikolu (1) ta' l-artikolu 381, meta dawk jeċċedu tliet mitt lira fix-xahar jew dik is-somma li l-Ministru responsabbli għall-ġustizzja jista' minn żmien għal żmien b'ordni jistabbilixxi, il-qorti tista', fuq rikors ta' kreditur, tordna l-ħruġ ta' mandat ta' sekwestru fuq dik il-parti li teċċedi l-ammont imsemmi qabel:

Iżda jekk id-debitur jagħmel rikors li fih juri għas-sodisfazzjon tal-qorti li huwa jkollu bżonn dak l-eċċess jew parti minnu għall-manteniment tiegħu jew għall-manteniment tal-familja tiegħu, il-qorti għandha tħassar il-mandat ta' sekwestru dwar dak l-eċċess jew dik il-parti minnu, u wara hekk l-imsemmi mandat għandu jitqies li jkun u li kien mingħajr effett safejn ikun ġie revokat:

Iżda wkoll dan l-artikolu ma jgħoddx għas-salarju ta' uffiċjal jew raġel fil-forza regolari ta' Malta.

(2) Il-qorti tista', f'kull żmien, tibdel l-ordni mogħtija taħt is-subartikolu (1) ta' dan l-artikolu fuq talba b'rikors tal-kreditur jew tad-debitur jekk ikun hemm xi tibdil fiċ-ċirkostanzi materjali tad-debitur.".

Sostituzzjoni ta' l-artikolu 383 tal-liġi prinċipali.

180. Minflok l-artikolu 383 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Tmiem wara sena ta' l-effetti ta' sekwestru esekutiv.

383. (1) Il-mandat ta' sekwestru ma jibqax iseħħ għeluq sena mill-ħruġ tiegħu, kemm-il darba l-qorti, fuq rikors ta' l-esekutant, ma ġġeddidx dak iż-żmien.

(2) Dak ir-rikors għandu jiġi ppreżentat mill-anqas sebat ijiem qabel l-għeluq taż-żmien u għandu jiġi notifikat lis-sekwestratarju flimkien mad-digriet ta' proroga relattiv.

(3) Is-sekwestratarju ma jinkorri ebda responsabbiltà jekk, wara li jiskadi ż-żmien imsemmi sew jekk oriġinali kemm jekk prorogat, u qabel ma dik il-proroga tkun ġiet notifikata lilu, huwa jaġixxi bħallikieku s-sekwestru ma kienx għadu jseħħ.".

Emenda ta' l-artikolu 384 tal-liġi prinċipali.

181. Fl-artikolu 384 tal-liġi prinċipali minflok il-kliem "fi żmien mhux anqas minn jumejn u mhux iżjed minn erbat ijiem;" għandhom jidħlu l-kliem "fi żmien mhux anqas minn erbat ijiem u mhux iżjed minn tmint ijiem;".

Emenda ta' l-artikolu 385 tal-liġi prinċipali.

182. Minnufih wara s-subartikolu (2) ta' l-artikolu 385 tal-liġi prinċipali għandhom jidħlu dawn is-subartikoli ġodda li ġejjin:—

"(3) Il-mandat ma għandux jinħareġ ħlief b'ordni espressa tal-qorti mogħtija fuq talba magħmula b'ċitazzjoni mill-kreditur.

(4) Il-qorti għandha biss toħroġ il-mandat jekk tkun sodisfatta li l-kreditur ma għandux mezz ieħor ta' esekuzzjoni.".

Emenda ta' l-artikolu 398 tal-liġi prinċipali.

183. L-artikolu 398 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) fis-subartikolu (1) tiegħu, il-kliem "fit-tweġiba għall-libell, meta l-proċedimenti jinbdew b'libell, jew" għandhom jitħassru;

(b) is-subartikolu (3) tiegħu għandu jitħassar; u

(ċ) is-subartikolu (4) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (3) tiegħu.

Thassir ta' l-artikolu 399 tal-liġi prinċipali.

184. L-artikolu 399 tal-liġi prinċipali għandu jitħassar.

Emenda ta' l-artikolu 415 tal-liġi prinċipali.

185. Minnufih fi tmiem l-artikolu 415 tal-liġi prinċipali għandu jidħol dan il-proviso li ġej:—

"Iżda d-dispożizzjonijiet ta' dan l-artikolu ma għandhomx japplikaw għar-rigward ta' kull min matul it-tliet xhur li jiġu minnufih qabel ma tkun saret l-azzjoni ta' jattanza, ikun jew personalment jew permezz ta' mandatarju ppreżenta att ġudizzjarju fejn ivvanta l-pretensjoni tiegħu.".

Emenda ta' l-artikolu 418 tal-liġi prinċipali.

186. Fl-artikolu 418 tal-liġi prinċipali minflok il-kelma "libell" kull fejn tinsab fl-artikolu u fin-nota marġinali tiegħu, għandha tidħol il-kelma "rikors".

Emenda ta' l-artikolu 419 tal-liġi prinċipali.

187. L-artikolu 419 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (1) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:—

"(1) Ir-rikors għandu jkun notifikat lid-debitur u lid-depożitant, iżda ebda tweġiba ma tista' ssir għal dak ir-rikors."; u

(b) minflok il-kliem "tal-libell" fin-nota marġinali għandhom jidħlu l-kliem "tar-rikors".

Emenda ta' l-artikolu 420 tal-liġi prinċipali.

188. Fis-subartikolu (1) ta' l-artikolu 420 tal-liġi prinċipali minflok il-kliem "Bil-preżentata tal-libell" għandhom jidħlu l-kliem "Bil-preżentata tar-rikors".

Emenda ta' l-artikolu 428 tal-liġi prinċipali.

189. L-artikolu 428 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) fis-subartikolu (1) tiegħu minflok il-kelma "libell" għandha tidħol il-kelma "rikors"; u

(b) fis-subartikolu (2) tiegħu minflok il-kliem "Mal-libell" għandhom jidħlu l-kliem "Mar-rikors".

Sostituzzjoni ta' l-artikolu 429 tal-liġi prinċipali.

190. Minflok l-artikolu 429 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Tweġiba u talba.

429. Kull parti li tkun notifikata bir-rikors tista' tippreżenta risposta li jkun fiha l-eċċezzjonijiet li tkun trid tagħti kontra t-talbiet l-oħra konkorrenti, u t-talba tagħha.".

Sostituzzjoni ta' l-artikolu 431 tal-liġi prinċipali.

191. Minflok l-artikolu 431 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Għeluq tal-proċess.

431. (1) Fil-każijiet imsemmija fl-artikolu 428 il-proċess għandu jitqies magħluq —

(a) bil-preżentata tat-tweġibiet u rikorsi rispettivi tal-partijiet; jew

(b) bl-għeluq taż-żmien imsemmi fis-subartikolu (2) ta' dan l-artikolu, jekk il-partijiet, jew xi whud minnhom, notifikati bir-rikors ma jippreżentawx it-tweġiba u r-rikors rispettiv fiż-żmien imsemmi.

(2) Dik il-parti li tiġi notifikata b'rikors għandha tippreżenta risposta jew ir-rikors tagħha fi żmien ħmistax-il jum minn meta tiġi notifikata.".

Emenda ta' l-artikolu 432 tal-liġi prinċipali.

192. Fl-artikolu 432 tal-liġi prinċipali minflok il-kliem "kontro-libell" kull fejn dawn jinstabu fl-artikolu u fin-nota marġinali tiegħu għandhom jidħlu l-kliem "rikors rispettiv".

Emenda ta' l-artikolu 433 tal-liġi prinċipali.

193. Fl-artikolu 433 tal-liġi prinċipali minflok il-kelma "libell" kull fejn tinstab fl-artikolu u fin-nota marġinali tiegħu għandha tidħol il-kelma "rikors".

Emenda ta' l-artikolu 437 tal-liġi prinċipali.

194. Fl-artikolu 437 tal-liġi prinċipali minflok il-kliem "fil-kompetenza tagħha superjuri ċivili" għandhom jidħlu l-kliem "fil-kompetenza tagħha superjuri".

Emenda ta' l-artikolu 443 tal-liġi prinċipali.

195. Minflok is-subartikolu (1) ta' l-artikolu 443 tal-liġi prinċipali għandu jidħol dan is-subartikolu ġdid li ġej:—

"(1) Hu dmir ta' l-Avukat Ġenerali, wara li jidħol fil-pussess tal-wirt, li jsejjaħ, b'avviż maħruġ fil-Gazzetta tal-Gvern u f'ġurnal ta' kuljum, lil dawk kollha illi jista' jkollhom jedd għal dak il-wirt, biex iġibu 'l quddiem il-jedd tagħhom fil-qorti kompetenti fi żmien sena.".

Emenda ta' l-artikolu 460 tal-liġi prinċipali.

196. L-artikolu 460 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-kliem minn "b'mod ċar; u r-reġistratur għandu jirrifjuta" sa tmiem is-subartikolu (1) tiegħu għandhom jidħlu l-kliem "b'mod ċar.";

(b) il-kelma "jew" għandha tiżdied fi tmiem il-paragrafu (ċ) tas-subartikolu (2) tiegħu;

(ċ) dan il-paragrafu (d) għandu jiżdied wara l-paragrafu (ċ) tas-subartikolu (2) tiegħu:

"(d) għal azzjonijiet li għandhom jinstemgħu bl-urġenza;"; u

(d) dan is-subartikolu (3) li ġej għandu jidħol wara s-subartikolu (2) tiegħu:

"(3) Kawżi kontra l-Gvern li dwarhom ikun hemm fis-seħħ mandat ta' inibizzjoni għandhom jinstemgħu mill-Qorti b'urġenza u bi preferenza għal kawżi oħra.".

Emenda ta' l-artikolu 461 tal-liġi prinċipali.

197. Fl-artikolu 461 tal-liġi prinċipali minflok il-kliem "fil-kompetenza tagħha superjuri ċivili" għandhom jidħlu l-kliem "fil-kompetenza tagħha superjuri".

Emenda ta' l-artikolu 462 tal-liġi prinċipali.

198. Fl-artikolu 462 tal-liġi prinċipali minflok il-kliem "fil-kompetenza tagħha superjuri ċivili" għandhom jidħlu l-kliem "fil-kompetenza tagħha superjuri".

Sostituzzjoni ta' l-artikolu 466 tal-liġi prinċipali.

199. Minflok l-artikolu 466 tal-liġi prinċipali għandu jidħol dan li ġej:

"Proċedimenti għall-ħlas ta' krediti tal-Gvern.

466. (1) Meta Kap ta' Dipartiment tal-Gvern irid jaġixxi għall-ħlas ta' kreditu li jkollu jieħu d-dipartiment li tiegħu huwa jkun il-kap, jew li jkollha tieħu xi amministrazzjoni ta' dak id-dipartiment, dwar kull servizz, provvista, kera jew għal dritt ta' xi liċenza jew dritt jew taxxa oħra dovuti, huwa jista' jagħmel dikjarazzjoni tiegħu maħlufa quddiem ir-Reġistratur, Imħallef jew Maġistrat li fiha huwa għandu jiddikjara xi tkun ix-xorta tad-debitu u l-isem tad-debitur u jikkonferma li dak id-debitu jkun dovut.

(2) Id-dikjarazzjoni msemmija fis-subartikolu (1) ta' dan l-artikolu għandha tiġi notifikata lid-debitur permezz ta' att ġudizzjarju u għandu jkollha l-istess effett daqslikieku kienet ġudikat tal-Qorti kompetenti, kemm-il darba d-debitur, fi żmien għoxrin jum min-notifika li ssirlu ta' dak id-dikjarazzjoni, ma jopponix it-talba billi jippreżenta rikors li fih jitlob li l-Qorti tiddikjara t-talba bħala waħda infondata.

(3) Ir-rikors preżentat skond is-subartikolu (2) ta' dan l-artikolu għandu jiġi notifikat lill-Kap tad-Dipartiment, li jkollu dritt jippreżenta risposta fi żmien għoxrin jum. Il-Qorti tgħaddi biex tappunta dak ir-rikors għas-smiegħ f'jum li jiġi wara li jgħaddi dak iż-żmien.

(4) F'każijiet ta' xorta urġenti l-Qorti tista', wara li jsirilha rikors mill-kreditur jew mid-debitur, tqassar kull żmien perentorju bħalma huwa provdut f'dan l-artikolu bil-mezz ta' digriet li jiġi notifikat lill-parti l-oħra.".

Sostituzzjoni ta' l-artikoli 467 u 468 tal-liġi prinċipali.

200. Minflok l-artikoli 467 u 468 tal-liġi prinċipali għandu jidħol dan li ġej:

"Oppożizzjoni għall-proċedimenti taħt l-artikolu 466.

467. (1) Kull titolu esekuttiv maħruġ skond id-dispożizzjonijiet ta' l-artikolu ta' l-aħħar ta' qabel dan in-nuqqas ta' xi oppożizzjoni mid-debitur għandu jiġi revokat jekk, meta ssir talba permezz ta' ċitazzjoni li tiġi preżentata fi żmien għoxrin jum mill-ewwel notifika li ssirlu ta' xi mandat esekuttiv li jkun imsejjes fuq dak it-titolu jew ta' kull att ġudizzjarju ieħor li fih issir referenza għal dak it-titolu, il-Qorti tkun sodisfatta li d-debitur ma kienx jaf bin-notifika tad-dikjarazzjoni msemmija fis-subartikolu (1) ta' l-artikolu ta' l-aħħar ta' qabel dan matul il-perijodu li fih id-debitur seta' jopponi u li t-talba li tinsab f'dik id-dikjarazzjoni tkun infondata fil-mertu.

(2) Ebda oppożizzjoni ħlief dik li hemm speċifikatament provdut dwarha f'dan l-artikolu u fl-artikolu ta' l-aħħar ta' qabel dan ma għandha twaqqaf il-ħruġ jew l-esekuzzjoni ta' xi att esekuttiv maħruġ bis-saħħa ta' dak l-artikolu jew ir-rifużjoni tar-rikavat miksub minn xi mandat jew bejgħ b'irkant li jsiru bi prosegwiment ta' dak l-att.".

Żieda ta' Sub-titolu ġdid mal-liġi prinċipali.

201. Dan is-Sub-titolu ġdid li ġej għandu jiżdied minnufih wara l-artikolu 469 tal-liġi prinċipali:

"SUB-TITOLU VII
STĦARRIĠ ĠUDIZZJARJU TA' AZZJONI AMMINISTRATTIVA

Stħarriġ ġudizzjarju ta' azzjoni amministrattiva.

469A. (1) Ħlief hekk kif provdut mod ieħor bil-liġi, il-qrati tal-ġustizzja ta' kompetenza ċivili għandhom ġurisdizzjoni biex jistħarrġu l-validità ta' xi għemil amministrattiv jew li jiddikjaraw dak l-għemil null, invalidu jew mingħajr effett fil-każijiet li ġejjin biss:

(a) meta l-għemil amministrattiv jikser il-Kostituzzjoni;

(b) meta l-għemil amministrattiv ikun *ultra vires* għal xi raġuni minn dawn li ġejjin:

(i) meta dak l-għemil jitwettaq minn awtorità pubblika li ma tkunx awtorizzata sabiex twettqu; jew

(ii) meta l-awtorità pubblika tkun naqset milli tosserva l-prinċipji tal-ġustizzja naturali jew ħtiġiet proċedurali mandatorji fit-twettiq ta' l-għemil amministrattiv jew fid-deliberazzjonijiet ta' qabel dwar dak l-għemil; jew

(iii) meta l-għemil amministrattiv jikkostitwixxi abbuż tas-setgħa ta' l-awtorità pubblika billi dan isir għal għanijiet mhux xierqa jew jissejjes fuq konsiderazzjonijiet mhux rilevanti;

(iv) meta l-għemil amministrattiv ikun imur mod ieħor kontra l-liġi.

(2) F'dan l-artikolu —

"għemil amministrattiv" tfisser il-ħruġ ta' kull ordni, liċenza, permess, *warrant,* deċiżjoni jew ir-rifjut għal talba ta' xi persuna li jsir minn awtorità pubblika, iżda ma tinkludix xi ħaġa li ssir bl-għan ta' organizzazzjoni jew amministrazzjoni interna fl-istess awtorità:

Iżda, ħlief f'dawk il-każijiet fejn il-liġi tistabbilixxi perijodu li fih awtorità pubblika tenħtieġ tagħti deċiżjoni, meta ssir talba bil-miktub minn persuna li tiġi notifikata lill-awtorità u din l-awtorità tibqa' ma tagħtix deċiżjoni dwar dik it-talba, dak in-nuqqas għandu, wara xahrejn minn dik in-notifika, jikkostitwixxi rifjut għall-finijiet ta' din it-tifsira;

"awtorità pubblika" tfisser il-Gvern ta' Malta, magħdudin il-Ministeri u dipartimenti tiegħu, awtoritajiet lokali u kull korp magħqud kostitwit permezz ta' liġi.

(3) Kawża biex twaqqa' għemil amministrattiv taħt is-subartikolu (1) ta' dan l-artikolu għandha ssir fi żmien sitt xhur minn meta min ikollu interess isir jaf jew seta' jsir jaf, skond liema jiġi l-ewwel, b'dak l-għemil amministrattiv .

(4) Id-dispożizzjonijiet ta' dan l-artikolu ma għandhomx japplikaw meta l-mod ta' kontestazzjoni jew ta' ksib ta' rimedju dwar xi att amministrattiv partikolari quddiem qorti jew tribunal jiġi provdut dwaru f'xi liġi oħra.

(5) F'azzjoni li ssir bis-saħħa ta' dan l-artikolu l-attur ikun jista' jinkludi fit-talbiet tiegħu talba għall-ħlas tad-danni li tkun imsejjsa fuq ir-responsabbiltà allegata ta' l-awtorità pubblika li tkun għamlet delitt jew kważi delitt li

joħroġ mill-att amministrattiv. Dawk id-danni ma għandhomx jingħataw mill-Qorti meta minkejja l-annullament ta' l-att amministrattiv l-awtorità pubblika ma tkunx aġixxiet *in mala fede* jew b'mod mhux raġonevoli jew meta l-azzjoni mitluba mill-attur setgħet legalment u raġonevolment ġiet miċħuda taħt kull setgħa oħra.

(6) Għall-finijiet ta' dan l-artikolu, u ta' kull dispożizzjoni oħra ta' din il-liġi u ta' kull liġi oħra, servizz mal-Gvern hu rapport speċjali regolat b'dispożizzjonijiet speċjali speċifikatament applikabbli għalih u bil-pattijiet u l-kondizzjonijiet stabbiliti minn żmien għal żmien mill-Gvern, u ebda liġi jew dispożizzjoni tagħha dwar kondizzjonijiet ta' impieg jew kuntratti ta' servizz jew ta' impieg ma tapplika, u qatt ma kienet tapplika, għal servizz mal-Gvern ħlief safejn dik il-liġi ma tipprovdix xort'oħra.".

Tħassir ta' l-artikolu 481 tal-liġi prinċipali.

202. L-artikolu 481 tal-liġi prinċipali għandu jitħassar.

Emenda ta' l-artikolu 501 tal-liġi prinċipali.

203. Fis-subartikolu (3) ta' l-artikolu 501 tal-liġi prinċipali minflok il-kliem "tat-tieni editt." għandhom jidħlu l-kliem "tat-tieni editt; iżda kuratur maħtur mill-qorti skond id-dispożizzjonijiet tas-subartikolu (1) ta' l-artikolu 504 jista' jagħmel rikors quddiem il-qorti sabiex din iġġedded iż-żmien imsemmi. Il-qorti tista', wara li tikkunsidra iċ-ċirkostanzi tal-każ tagħti dak iż-żmien iktar li tista' tqis li jkun xieraq.".

Emenda ta' l-artikolu 511 tal-liġi prinċipali.

204. Fl-artikolu 511 tal-liġi prinċipali minflok il-kliem "dan iż-żmien ta' xahrejn għandu jiġi imġedded għal xahar ieħor." għandhom jidħlu l-kliem "jew fil-waqt tat-tiġdid taż-żmien mogħti skond is-subartikolu (3) ta' l-artikolu 501, dak iż-żmien ta' xahrejn jew dak it-tiġdid taż-żmien għandu jiġġedded għal xahar ieħor.".

Emenda ta' l-artikolu 527 tal-liġi prinċipali.

205. L-artikolu 527 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) is-subartikolu (5) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (6) tiegħu; u

(b) minflok is-subartikolu (4) tiegħu għandu jidħol dan li ġej:

"(4) Ir-reġistratur għandu qabel l-aħħar tax-xahar ta' Jannar ta' kull sena jieħu ħsieb li tiġi pubblikata fil-Gazzetta tal-Gvern lista li turi f'ordni alfabetiku l-ismijiet u l-kunjomijiet tal-persuni li jidhru fil-ktieb miżmum skond is-subartikolu (3) ta' dan l-artikolu, flimkien ma' l-isem meta jkun magħruf tal-missier, il-post tat-twelid u n-numru tal-Karta ta' l-Identità ta' dawk il-persuni u d-data tad-digriet ta' l-interdizzjoni jew ta' l-inabilitazzjoni.

(5) Mil-lista msemmija fis-subartikolu (4) ta' dan l-artikolu għandhom jitħallew barra każijiet —

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

(b) fejn il-persuna tkun laħqet l-età ta' mitt sena;

(ċ) fejn id-digriet ikun ġie revokat skond l-artikolu 526; u

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

Sostituzzjoni ta' l-artikolu 533 tal-liġi prinċipali.

206. Minflok l-artikolu 533 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Ġurnata għall-ftuħ u pubblikazzjoni ta' testment.

533. (1) Meta għandu jinfetaħ testment, il-qorti, b'digriet, fuq rikors ta' kull min ikollu interess, tiffissa l-ġurnata, il-ħin u l-lok għall-ftuħ u pubblikazzjoni tat-testment, u tordna li l-interessati kollha jiġu msejħa; dawk li huma magħrufa, b'ċitazzjoni, u dawk li ma humiex magħrufa, bil-mezz ta' bandu mwaħħal fid-daħla tal-bini fejn il-qorti toqgħod u li jiġi pubblikat fil-Gazzetta tal-Gvern u f'ġurnal lokali ta' kuljum.

(2) Il-ftuħ u l-pubblikazzjoni tat-testment ma jistgħux isiru qabel ma jgħaddu erbat ijiem minn notifika taċ-ċitazzjoni fuq imsemmija, jew qabel erbat ijiem mit-twaħħil tal-bandi u l-pubblikazzjoni tagħhom skond liema jiġi l-aktar tard.

(3) Meta xi testment sigriet ikun ġie riċevut mir-reġistratur skond id-dispożizzjonijiet ta' dan it-Titolu iżda ma jkunx ġie irtirat mit-testatur, jew infetaħ u ġie pubblikat, u jkunu skadew mitt sena mid-data tal-preżentata tat-testment, ir-reġistratur għandu jipprepara u jippubblika lista ta' l-imsemmija testmenti fil-Gazzetta.

(4) Wara l-pubblikazzjoni fil-Gazzetta tal-lista msemmija fis-subartikolu (3) ta' dan l-artikolu, il-qorti għandha tappunta ġurnata u ħin li fihom għandhom jinfetħu fil-pubbliku it-testmenti msemmija fil-lista. Il-qorti mbagħad tordna li t-testmenti msemmija għandhom jintbagħtu għand l-arkivista ta' l-Atti Notarili li għandu jniżżel dawn it-testmenti f'reġistru li jżomm hu u jinsinwa dawn it-testmenti fir-Reġistru Pubbliku.".

Emenda ta' l-artikolu 534 tal-liġi prinċipali.

207. Fis-subartikolu (2) ta' l-artikolu 534 tal-liġi prinċipali minflok il-kliem "quddiem l-imħallef, ir-reġistratur u żewġ xhieda" għandhom jidħlu l-kliem "quddiem l-imħallef u r-reġistratur".

Sostituzzjoni t l-artikolu 536 tal-liġi prinċipali.

208. Minflok l-artikolu 536 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Dikjarazzjoni ta' ftuħ ta' suċċessjoni.

536. Meta ma hemmx oppożizzjoni, id-dikjarazzjoni tal-ftuħ ta' suċċessjoni tista' ssir mis-Sekond'Awla tal-Qorti Ċivili, fuq rikors, favur kull persuna li f'isimha tkun saret it-talba.".

Emenda ta' l-artikolu 537 tal-liġi prinċipali.

209. Minflok is-subartikoli (1) u (2) ta' l-artikolu 537 tal-liġi prinċipali għandhom jidħlu dawn is-subartikoli ġodda li ġejjin:

"(1) Wara l-preżentata tar-rikors, il-qorti toħroġ bandu illi jiġi pubblikat fil-Gazzetta u mill-inqas f'ġurnal wieħed ta' kuljum u illi jiġi mwaħħal fid-daħla tal-bini fejn il-qorti toqgħod, u bih issejjaħ lil kull min għandu interess li jagħmel l-oppożizzjoni tiegħu b'nota fi żmien ta' mhux anqas minn tmint ijiem, u mhux aktar minn xahar, kif jiġi ffissat mill-imħallef.

(2) Dan iż-żmien jibda għaddej minn dak in-nhar li fih jiġu mwaħħla l-bandi, jew jiġu pubblikati għall-aħħar darba jew fil-Gazzetta jew f'ġurnal ta' kuljum, skond liema jiġi l-aktar tard.".

Sostizzjoni ta' l-artikolu 538 tal-liġi prinċipali.

210. Minflok l-artikolu 538 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Digriet tal-qorti.

538. Meta jagħlaq iż-żmien hawn fuq imsemmi, il-qorti fin-nuqqas ta' oppożizzjoni, teżamina t-talba tar-rikorrent; u jekk it-talba tidher ġustifikata, il-qorti għandha tilqa' t-talba tar-rikorrent u tiddikjara s-suċċessjoni miftuħa favur tiegħu u tista', fuq talba ta' min japplika, ukoll tistabbilixxi fid-digriet tagħha, l-identità ta' kull persuna oħra li tissejjaħ biex taqsam fil-wirt u s-sehem relattiv tiegħu.".

Emenda ta' l-artikolu 546 tal-liġi prinċipali.

211. Fis-subartikolu (1) ta' l-artikolu 546 tal-liġi prinċipali minflok il-kliem "fejn il-qorti toqgħod." għandhom jidħlu l-kliem "fejn il-qorti toqgħod. Ir-reġistratur għandu jippubblika wkoll avviż fil-Gazzetta u f'ġurnal ta' kuljum li bih jistieden lil dawk il-partijiet kollha interessati biex ikunu preżenti filwaqt li jiġi pubblikat l-inventarju.".

Emenda ta' l-artikolu 547 tal-liġi prinċipali.

212. Minflok is-subartikolu (1) ta' l-artikolu 547 tal-liġi prinċipali għandu jidħol dan is-subartikolu ġdid li ġej:—

"(1) Il-pubblikazzjoni ta' l-inventarju għandha ssir fil-jum u fil-ħin iffissat mill-Qorti.".

Emenda ta' l-artikolu 550 tal-liġi prinċipali.

213. L-artikolu 550 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-kliem "L-adozzjoni jew l-emanċipazzjoni" fis-subartikolu (1) tiegħu għandhom jidħlu l-kliem "L-emanċipazzjoni";

(b) minflok il-kliem "adozzjoni jew emanċipazzjoni" fis-subartikolu (2) tiegħu, għandha tidħol il-kelma "emanċipazzjoni"; u

(ċ) minflok in-nota marġinali għalih għandu jidħol dan li ġej:

"Emanċipazzjoni".

Emenda ta' l-artikolu 556 tal-liġi prinċipali.

214. Fis-subartikolu (1) ta' l-artikolu 556 tal-liġi prinċipali minflok il-kliem "b'ċitazzjoni" għandhom jidħlu l-kliem "b'rikors".

Emenda ta' l-artikolu 557 tal-liġi prinċipali.

215. Fl-artikolu 557 tal-liġi prinċipali minflok il-kliem "lir-Reġistratur tal-Qrati Superjuri", "fil-qrati superjuri," u "ta' dawk il-qrati." għandhom jidħlu l-kliem "lir-reġistratur", "fil-qrati," u "tal-qrati." rispettivament.

Emenda ta' l-artikolu 560 tal-liġi prinċipali.

216. Mas-subartikolu (3) ta' l-artikolu 560 tal-liġi prinċipali għandu jiżdied dan il-proviso li ġej:—

"Iżda fi proċedimenti quddiem il-qrati ta' kompetenza ċivili, il-partijiet fil-kawża għandhom jgħinu lir-reġistratur biex jikkompila kopja tad-dokumenti tal-qorti jew ta' kull dokument ieħor li jkunu tgħarrqu jew intilfu, u f'dak iż-żmien li l-qorti tista' tistabbilixxi, huma għandhom jagħtu lir-reġistratur dak it-tagħrif u dokumentazzjoni li jkollhom u li jkun jgħin lir-reġistratur biex jikkompila l-proċessi tal-qorti jew dokumenti oħra mgħarrqa jew mitlufa bl-iktar mod komplet possibbli.".

Żieda ta' l-artikoli 563A u 563B ġodda mal-liġi prinċipali.

217. Dawn l-artikoli ġodda li ġejjin għandhom jiżdiedu wara l-artikolu 563 tal-liġi prinċipali:—

"Ammissibilità ta' opinjoni ta' espert *ex parte* u meta tingħata ċertu opinjoni minn nies mhux esperti.

563A. (1) Meta persuna tissejjaħ bħala xhud, l-opinjoni tagħha fuq kull kwistjoni rilevanti li dwarha hi kwalifikata tagħti xiehda bħala espert, għandha tintlaqa' bħala xiehda biss jekk, fil-fehma tal-qorti, dik il-persuna jkollha l-kwalifiki meħtieġa dwar dik il-kwistjoni.

(2) Meta persuna tissejjaħ bħala xhud, dikjarazzjoni ta' opinjoni li ssir minnha fuq kull kwistjoni rilevanti li dwarha mhijiex kwalifikata tagħti xiehda bħala espert, jekk din ix-xiehda tingħata b'mod li jingħadu fatti rilevanti li jkunu ġew konstatati personalment minnha, għandha tkun ammissibbli bħala prova ta' dak li dik il-persuna tkun hemm ikkonstatat.

(3) L-opinjoni mogħtija minn persuna skond id-dispożizzjonijiet ta' dan l-artikolu għandha tkun mingħajr preġudizzju għad-dispożizzjonijiet ta' l-artikolu 681 u għas-setgħa tal-qorti li taħtar perit skond id-dispożizzjonijiet ta' l-artikolu 646.

Xiehda dwar dritt barrani.

563B. (1) Min ikollu l-kwalifiki meħtieġa minħabba f'li jaf jew minħabba l-esperjenza tiegħu jkun jista' jagħti xiehda ta' espert dwar id-dritt ta' xi stat barrani, irrispettivament minn jekk huwa qatt ipprattikax jew kellu dritt jipprattika bħala avukat, jew bħala uffiċjal ġudizzjarju jew legali f'dak l-istat.

(2) Id-dispożizzjonijiet tas-subartikolu (3) ta' l-artikolu 563A għandhom *mutatis mutandis* jgħoddu għad-dispożizzjonijiet ta' dan l-artikolu.".

Emenda ta' l-artikolu 566 tal-liġi prinċipali.

218. Fit-test Ingliż tal-proviso (b) li hemm mas-subartikolu (1) ta' l-artikolu 566 tal-liġi prinċipali minflok il-kliem "tending to criminate" għandhom jidħlu l-kliem "tending to incriminate".

Sostituzzjoni ta' l-artikolu 572 tal-liġi prinċipali.

219. Minflok l-artikolu 572 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Żmien għad-dehra tax-xhud.

572. Xhud għandu jidher fil-qorti fil-jum u ħin stabbilit fit-taħrika sakemm huwa jkun ġie notifikat bl-imsemmija taħrika erbat ijiem qabel dak il-jum, liema żmien jibda għaddej mid-data tan-notifika tat-taħrika:

Iżda wkoll il-qorti tista', f'każijiet urġenti, tordna lil xhud sabiex dan jidher quddiemha minn jum għall-ieħor, jew minn siegħa għall-oħra, jew ukoll f'dak l-intervall ta' żmien li jista' jkun meħtieġ sabiex hu jidher quddiem il-qorti.".

Żieda ta' l-artikolu 573A ġdid mal-liġi prinċipali.

220. Minnufih wara l-artikolu 573 tal-liġi prinċipali għandu jiżdied dan l-artikolu ġdid li ġej:—

"Meta persuna oħra tagħti xiehda minflok il-persuna mħarrka.

573A. Kull uffiċjal jew impjegat ta' dipartiment tal-Gvern jew kull uffiċjal jew impjegat ieħor ta' xi korp li għandu personalità ġuridika distinta jista' jkun awtorizzat mill-persuna mħarrka biex jagħti xiehda minflokha dwar kull ħaġa li hu jkun jinsab iktar mgħarraf dwarha u li jkollha x'taqsam ma' l-imsemmi dipartiment jew korp u li dwarha l-persuna l-ewwel imħarrka kienet mitluba sabiex tixhed:

Iżda l-persuna mħarrka għandha tagħti dik ix-xiehda hi nnifisha jekk hekk jingħad fit-taħrika.".

Emenda ta' l-artikolu 588 tal-liġi prinċipali.

221. L-artikolu 588 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) is-subartikolu (2) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (3) tiegħu; u

(b) għandu jiżdied dan is-subartikolu (2) ġdid li ġej:—

"(2) Ħlief bl-ordni tal-qorti, ebda *accountant,* tabib jew *marriage counsellor* ma jista' jiġi mistoqsi fuq ħwejjeġ li jkun sar jaf mill-klijent tiegħu taħt sigriet professjonali jew li seta' sar jaf bihom fil-kapaċità professjonali tiegħu.".

Emenda ta' l-artikolu 590 tal-liġi prinċipali.

222. Minflok is-subartikolu (2) ta' l-artikolu 590 tal-liġi prinċipali għandu jidħol dan is-subartikolu ġdid li ġej:—

"(2) Ebda xhud ma jista' jkun imġiegħel jikxef ħwejjeġ li jkun sar jaf minn jew dwar xi dokument li jkun ta', jew fil-pussess ta', xi dipartiment ċivili, militari, navali jew tal-forzi ta' l-ajru tas-servizz pubbliku u li hu dokument privileġġat skond l-artikolu 637.".

Emenda ta' l-artikolu 596 tal-liġi prinċipali.

223. L-artikolu 596 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) minflok is-subartikolu (1) għandu jidħol dan is-subartikolu ġdid li ġej:—

"(1) Jekk il-qorti ma tkunx tifhem l-ilsien li bih tingħata x-xiehda, hija taħtar interpretu kwalifikat bi spejjeż provviżorji tal-parti li ġġib ix-xhud.";

(b) fis-subartikolu (2) tiegħu, minflok il-kliem "L-interpretu uffiċjali," għandhom jidħlu l-kliem "L-interpretu,"; u

(ċ) fin-nota marġinali li hemm għas-subartikolu (2) tiegħu l-kelma "uffiċjali" għandha titħassar.

Emenda ta' l-artikolu 606 tal-liġi prinċipali.

224. Fis-subartikolu (2) ta' l-artikolu 606 tal-liġi prinċipali minflok il-kliem "issir b'ċitazzjoni jew b'rikors, iżda, f'dan l-aħħar każ," għandhom jidħlu l-kliem "issir b'rikors u".

Emenda ta' l-artikolu 607 tal-liġi prinċipali.

225. Fit-test Ingliż ta' l-artikolu 607 tal-liġi prinċipali minflok il-kliem "take down" għandha tidħol il-kelma "record".

Emenda ta' l-artikolu 610 tal-liġi prinċipali.

226. Fis-subartikolu (1) ta' l-artikolu 610 tal-liġi prinċipali minflok il-kliem "quddiem il-qrati superjuri bħala qrati ta' l-ewwel grad," għandhom jidħlu l-kliem "quddiem il-Qorti Ċivili, Prim' Awla,".

Emenda ta' l-artikolu 611 tal-liġi prinċipali.

227. Fis-subartikolu (1) ta' l-artikolu 611 tal-liġi prinċipali l-kliem "jew, jekk il-qorti tkun tikkonsisti f'iżjed minn maġistrat wieħed, minn wieħed minnhom," għandhom jitħassru.

Emenda ta' l-artikolu 613 tal-liġi prinċipali.

228. Fl-artikolu 613 tal-liġi prinċipali minflok il-kliem, "u tissospendi l-kawża." għandhom jidħlu l-kliem "tista' tissospendi l-kawża wara li tkun imxiet skond id-dispożizzjonijiet ta' l-artikolu 158 u tiddifferixxi l-kawża għal dak iż-żmien li matulu dik ix-xiehda tkun tista' tinkiseb.".

Emenda ta' l-artikolu 614 tal-liġi prinċipali.

229. Is-subartikolu (1) ta' l-artikolu 614 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) minflok il-kliem "b'ċitazzjoni" għandhom jidħlu l-kliem "b'rikors"; u

(b) minflok il-kliem "il-parti li titlob is-smiegħ ta' dan ix-xhud, meta tagħmel it-talba għaldaqshekk fil-qorti bil-miftuħ għandha ġġib" għandhom jidħlu l-kliem "il-parti li titlob is-smiegħ ta' dan ix-xhud għandha ġġib"; u

(ċ) minflok il-kliem "l-isem tal-persuna" għandhom jidħlu l-kliem "l-isem u l-indirizz tal-persuna".

Emenda ta' l-artikolu 616 tal-liġi prinċipali.

230. Fl-artikolu 616 tal-liġi prinċipali minflok il-kliem "l-isem ta' din il-persuna" għandhom jidħlu l-kliem "l-isem u l-indirizz ta' din il-persuna".

Sostituzzjoni ta' l-artikolu 617 tal-liġi prinċipali.

231. Minflok l-artikolu 617 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Il-parti kuntrarja għandha jedd li tara l-mistoqsijiet.

617. Għandha tiġi notifikata lill-parti l-oħra jew lill-avukat tagħha kopja tal-mistoqsijiet imniżżlin bil-miktub.".

Emenda ta' l-artikolu 619 tal-liġi prinċipali.

232. Fl-artikolu 619 tal-liġi prinċipali minflok il-kliem "lill-Prim Ministru" għandom jidħlu l-kliem "lill-Ministru responsabbli għall-ġustizzja".

Emenda ta' l-artikolu 622 tal-liġi prinċipali.

233. Fis-subartikolu (2) ta' l-artikolu 622 tal-liġi prinċipali minflok il-kliem "lill-Prim Ministru" għandhom jidħlu l-kliem "lill-Ministru responsabbli għall-ġustizzja".

Zieda ta' l-artikolu 622A ġdid mal-liġi prinċipali.

234. Minnufih wara l-artikolu 622 tal-liġi prinċipali għandu jiżdied dan l-artikolu ġdid li ġej:—

"Xiehda b'affidavit ta' xhud li joqgħod barra minn Malta.

622A. (1) Minkejja d-dispożizzjonijiet ta' l-artikoli 613 sa 622, meta tkun tenħtieġ tinstama' x-xiehda ta' xhud li jkun jinsab barra minn Malta, u dik il-persuna tkun għamlet affidavit dwar fatti li tkun taf bihom quddiem xi awtorità jew persuna oħra li jkollha jedd f'dak il-pajjiż fejn ikun joqgħod ix-xhud li tagħti ġuramenti, jew quddiem uffiċjal konsulari ta' Malta li jkun qed jaqdi dmirijietu fil-pajjiż fejn ikun joqgħod ix-xhud, dak l-affidavit kif debitament awtentikat ikun jista' jinġieb bi prova quddiem qorti f'Malta; u d-dispożizzjonijiet ta' l-artikoli 623,624 u 625 għandhom ikunu jgħoddu għal kull affidavit bħal dak.

(2) L-affidavit li jsir b'dak il-mod għandu jiġi notifikat lill-parti jew lill-partijiet l-oħra, u kull parti fil-kawża li tkun tixtieq tagħmel kontro-eżami ta' dak ix-xhud għandha tagħmel rikors quddiem il-qorti sabiex hija teżamina lil dak ix-xhud permezz ta' ittri rogatorji mhux aktar tard minn għoxrin jum minn notifika ta' l-affidavit; u d-dispożizzjonijiet ta' dan il-Kodiċi dwar ittri rogatorji għandhom ikunu hekk jgħoddu *mutatis mutandis*.

(3) Jekk ma jsirx rikors kif imsemmi qabel, ma għandux jitħalla li jsir kontro-eżami tax-xhud sakemm ma tkunx il-qorti nnifisha li tordna li jsir dan għal raġuni valida; u dak l-affidavit għandu jitqies minkejja n-nuqqas ta' kontro-eżami.

(4) Minkejja d-dispożizzjonijiet ta' qabel ta' dan l-artikolu, jekk il-partijiet jaqblu, il-qorti tista', jekk jidhrilha xieraq tagħti provvedimenti oħra dwar kif għandu jitmexxa l-kontro-eżami skond kif jidhrilha xieraq fiċ-ċirkostanzi.".

Emenda ta' l-artikolu 623 tal-liġi prinċipali.

235. Fl-artikolu 623 tal-liġi prinċipali minflok il-kliem "il-qorti tista'" għandhom jidħlu l-kliem "il-qorti tista', minn jeddha jew".

Emenda ta' l-artikolu 624 tal-liġi prinċipali.

236. Minflok is-subartikolu (2) ta' l-artikolu 624 tal-liġi prinċipali għandu jidħol dan is-subartikolu ġdid li ġej:—

"(2) Din ix-xiehda tista' wkoll tinġieb, sew fil-qorti ta' l-ewwel grad kemm fil-qorti fil-grad ta' appell, meta l-kawża li fiha dik ix-xiehda tkun ġiet ordnata, tkun intemmet u mbagħad tkun reġgħet infetħet mill-ġdid skond il-liġi.".

Emenda ta' l-artikolu 627 tal-liġi prinċipali.

237. L-artikolu 627 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) minflok il-paragrafu (d) tiegħu għandu jidħol dan il-paragrafu ġdid li ġej:—

"(d) l-atti tal-Gvern ta' Malta, stampati bl-awtorità tal-Gvern u ppubblikati regolarment;"; u

(b) minflok il-paragrafu (f) tiegħu għandu jidħol dan il-paragrafu ġdid li ġej:—

"(f) iċ-ċertifikati maħruġin mill-Uffiċċju tar-Reġistru Pubbliku u mir-Reġistratur ta' l-Artijiet;".

Emenda ta' l-artikolu 634 tal-liġi prinċipali.

238. Fis-subartikolu (2) ta' l-artikolu 634 tal-liġi prinċipali minflok il-kliem "minn avukat jew minn nutar" u "l-avukat jew in-nutar" għandhom jidħlu l-kliem "minn avukat, nutar jew prokuratur legali" u "l-avukat, in-nutar jew il-prokuratur legali".

Emenda ta' l-artikolu 637 tal-liġi prinċipali.

239. L-artikolu 637 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) minflok is-subartikolu (3) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:—

"(3) Ma tistax tintalab l-esibizzjoni ta' dokument privileġġat li jagħmel sehem minn korrispondenza ta' dipartiment tas-servizz ċivili, militari, navali jew tal-forzi ta' l-ajru, jew ta' rapport ta' dak id-dipartiment.";

(b) is-subartikolu (4) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (5) tiegħu;

(ċ) minnufih wara s-subartikolu (3) tiegħu għandu jiżdied dan is-subartikolu ġdid li ġej:—

"(4) Għall-finijiet tas-subartikolu (3) ta' dan l-artikolu, dokument jissejjah dokument privileġġat meta —

(a) jekk dak li jkun fih id-dokument isir magħruf imur kontra l-interess pubbliku minħabba li dak il-kxif —

(i) jikkaġuna, jew raġonevolment ikun mistenni li jikkaġuna ħsara —

(a) lis-sigurtà ta' Malta;

(b) lid-difiża ta' Malta; jew

(ċ) fir-relazzjonijiet internazzjonali ta' Malta; jew

(ii) jikxef tagħrif jew ħwejjeġ oħra konfidenzjali mgħoddija minn jew f'isem gvern barrani, minn awtorità ta' gvern barrani jew minn organizzazzjoni internazzjonali lill-Gvern ta' Malta;

(b) jkun dokument tal-Kabinett, jiġifieri —

(i) dokument li jkun tqiegħed quddiem il-Kabinett għall-kunsiderazzjoni tiegħu jew li jkun propost minn Ministru sabiex hekk jitqiegħed quddiem il-Kabinett, u jkun dokument maħsub sabiex jitqiegħed għall-kunsiderazzjoni tal-Kabinett;

(ii) dokument uffiċjali tal-Kabinett;

(iii) dokument li jkun kopja ta' dokument imsemmi fis-sub-paragrafi (i) u (ii) ta' dan il-paragrafu, jew li jkun kopja ta' parti mid-dokument imsemmi, jew li jkun fih estratt minn dokument imsemmi; jew

(iv) dokument li jekk dak li jkun fih isir magħruf tinkixef diskussjoni jew deċiżjoni tal-Kabinett, li ma jkunx dokument li permezz tiegħu tkun ġiet pubblikata deċiżjoni tal-Kabinett;

(ċ) jkun dokument li jikxef ħwejjeġ li huma ta' jew li għandhom x'jaqsmu ma' fehma, parir jew rakkomandazzjoni miksubin, imħejjijin jew reġistrati, jew konsultazzjoni jew diskussjoni li jkunu saru matul jew għall-finijiet tal-proċessi deliberattivi involuti fil-funzjonijiet ta' Ministeru, dipartiment tal-Gvern, awtorità, korporazzjoni jew enti parastatali;

(d) jkun dokument li jista' jew li raġonevolment ikun mistenni li jista':—

(i) jippreġudika t-tmexxija ta' investigazzjoni dwar ksur, jew il-possibilità ta' ksur, tal-liġi, jew jippreġudika it-twettiq jew l-amministrazzjoni sewwa tal-liġi f'każ partikolari;

(ii) jikxef, jew iqiegħed persuna f'pożizzjoni li ssir taf bl-eżistenza jew bl-identità ta' għajn ta' tagħrif konfidenzjali; jew

(iii) jipperikola l-ħajja jew is-sigurtà ta' persuna;

(e) jkun dokument li jista' jew li raġonevolment ikun mistenni li jista' —

(i) jippreġudika s-smiegħ xieraq fil-proċess ta' xi persuna jew l-aġġudikazzjoni imparzjali f'xi każ partikolari;

(ii) jikxef metodi jew proċeduri leġittimi għall-prevenzjoni, il-kxif, l-investigazzjoni jew li jkollhom x'jaqsmu ma' ħwejjeġ li joħorġu minn, ksur jew evażjoni tal-liġi, u li l-kxif tagħhom jippreġudika jew ikun raġonevolment mistenni li jippreġudika l-effikaċja ta' dawk il-metodi jew proċeduri; jew

(iii) jippreġudika iż-żamma jew it-twettiq ta' metodi leġittimi għall-protezzjoni ta' sigurtà pubblika;

(f) jkun hemm fis-seħħ liġi li jkollha x'taqsam ma' tagħrif ta' dik ix-xorta li jkun jinsab fid-dokument u li jipprojbixxi lill-persuni msemmija fil-liġi milli jikxfu tagħrif ta' dik ix-xorta."; u

(d) minnufih wara s-subartikolu (5) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:—

"(6) Meta l-Prim Ministru jkun sodisfatt li l-kxif ta' l-eżistenza jew il-kontenut ta' xi dokument imsemmi fis-subartikolu (4) ta' dan l-artikolu imur kontra l-interess pubbliku għal xi raġuni hemm imsemmija, huwa jista' jiffirma ċertifikat għal dak il-għan li fih jispeċifika x'inhi dik ir-raġuni, u dak iċ-ċertifikat, sakemm dak jibqa' jseħħ, jistabbilixxi b'mod konklusiv li dak id-dokument ikun dokument privileġġat, u meta jiġi ppreżentat dak iċ-ċertifikat dan ikun jikkostitwixxi prova finali u konklusiva li d-dokument ikun ta' dik ix-xorta msemmija fis-subartikolu (4) ta' dan l-artikolu u li jkun dokument privileġġat skond is-subartikolu (3) ta' dan l-artikolu, u ebda qorti ma jkollha l-ġurisdizzjoni dwaru.".

Emenda ta' l-artikolu 640 tal-liġi prinċipali.

240. Fl-artikolu 640 tal-liġi prinċipali minflok il-kliem "b'ċitazzjoni" għandhom jidħlu l-kliem "b'rikors".

Emenda ta' l-artikolu 644 tal-liġi prinċipali.

241. Fl-artikolu 644 tal-liġi prinċipali minflok il-kliem "bil-mezz ta' periti" għandhom jidħlu l-kliem "bil-mezz ta' perit jew periti".

Sostituzzjoni ta' l-artikolu 645 tal-liġi prinċipali.

242. Minflok l-artikolu 645 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"X'għandu jkun fih id-digriet li bih jinħatru l-periti.

645. (1) Il-qorti ma għandhiex taħtar perit biss bil-għan li jisma' x-xhieda bil-ġurament u jniżżel ix-xiehda tagħhom bil-miktub u jistabbilixxi l-fatti rilevanti.

(2) Fid-digriet li bih jinħatar il-perit, il-qorti għandha —

(a) tfisser l-iskop tal-perizja;

(b) tiffissa l-ġurnata u l-ħin ta' l-aċċess tal-perit fuq il-lok meta jkun meħtieġ;

(ċ) tagħti direzzjonijiet lill-perit sabiex jagħraf jimxi fl-esekuzzjoni tad-dmirijiet tiegħu.

(3) Il-Qorti tista' f'kull żmien, fuq talba tar-reġistratur jew minn jeddha, tordna lill-perit li jirritorna l-atti tal-kawża fil-pussess tiegħu lir-reġistratur u li jibqgħu hemmhekk għaż-żmien stabbilit f'dak l-ordni. Fil-każ li huwa

ma jikkonformax ruħu ma' l-ordni tal-qorti, u mingħajr preġudizzju għal kull proċediment ieħor li jista' jsir kontriħ, il-perit ikun ħati ta' disprezz lejn l-awtorità tal-qorti.

(4) Il-qorti tista' tordna lill-perit sabiex jattendi għas-smiegħ tal-kawża u li jistaqsi lix-xhieda dawk il-mistoqsijiet li jidhrulu bħala meħtieġa jew rilevanti sabiex jikkonkludi r-rapport tiegħu.

(5) Meta jiġu preżentati affidavits fir-reġistru tal-qorti, il-perit għandu jiġi notifikat b'kopja ta' dawk l-affidavits qabel is-smiegħ.".

Sostituzzjoni ta' l-artikolu 646 tal-liġi prinċipali.

243. Minflok l-artikolu 646 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:

"Ħatra ta' perit.

646. (1) Meta l-partijiet jiftehmu li jipproponu l-isem ta' perit, il-qorti taħtar il-perit li fuqu jkunu ftehmu l-partijiet.

(2) Meta l-partijiet ma jiftehmux, il-qorti taħtar perit ta' l-għażla tagħha.".

Emenda ta' l-artikolu 647 tal-liġi prinċipali.

244. Minflok is-subartikolu (2) ta' l-artikolu 647 tal-liġi prinċipali għandu jidħol dan is-subartikolu ġdid li ġej:

"(2) Ir-reġistratur għandu jżomm reġistrat kull ħatra ta' perit magħmula mill-qorti, bil-ġurnata li fiha l-perit jiġi maħtur u dik li fiha huwa jippreżenta r-rapport tiegħu.".

Sostituzzjoni ta' l-artikolu 648 tal-liġi prinċipali.

245. Minflok l-artikolu 648 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:

"Raġuni tajba għar-rikuża ta' perit.

648. Jista' jiġi rikużat perit minn kull waħda mill-partijiet meta tintwera raġuni tajba lill-qorti.".

Tħassir ta' l-artikoli 649, 650, 651 u 652 tal-liġi prinċipali.

246. L-artikoli 649, 650, 651 u 652 tal-liġi prinċipali għandhom jitħassru.

Emenda ta' l-artikolu 653 tal-liġi prinċipali.

247. L-artikolu 653 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-kliem minn "Il-periti" sa "tirrikużahom" għandhom jidħlu l-kliem "Il-perit jista' jiġi rikużat għal raġuni tajba, f'kull żmien, sakemm ma jkunx ta r-rapport tiegħu, kemm-il darba l-parti li tirrikużah"; u

(b) minflok il-kliem minn "quddiem il-periti" sa "att quddiemhom," għandhom jidħlu l-kliem "quddiem il-perit u lanqas ma għamlet ebda att quddiemu,".

Emenda ta' l-artikolu 655 tal-liġi prinċipali.

248. Fis-subartikolu (3) ta' l-artikolu 655 tal-liġi prinċipali, il-kliem ", li jiġi propost mir-rikużant" għandhom jitħassru.

Sostituzzjoni ta' l-artikolu 656 tal-liġi prinċipali.

249. Minflok l-artikolu 656 tal-liġi prinċipali għandu jidħol dan li ġej:

"Notifika lill-perit bid-digriet tal-ħatra tiegħu.

656. Id-digriet li jordna l-perizja għandu jiġi notifikat b'ordni tal-qorti lill-perit.".

Emenda ta' l-artikolu 662 tal-liġi prinċipali.

250. Fl-artikolu 662 tal-liġi prinċipali minflok il-kliem "jitolbu żmien aktar" għandhom jidħlu l-kliem "jitolbu żmien aktar b'dan iżda li l-qorti tista' għal raġunijiet tajbin u suffiċjenti, li għandhom jiġu mniżżlin, tagħti perjodu jew perjodi oħra ta' aktar żmien.".

Emenda ta' l-artikolu 665 tal-liġi prinċipali.

251. L-artikolu 665 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (2) tiegħu għandu jitħassar; u

(b) is-subartikoli (3), (4), (5) u (6) tiegħu għandhom jiġu enumerati mill-ġdid bħala s-subartikoli (2), (3), (4) u (5) tiegħu;

(ċ) minflok is-subartikolu (4) tiegħu, kif enumerat mill-ġdid, għandu jidħol dan is-subartikolu ġdid li ġej:

"(4) Ir-rapport għandu jiġi ffirmat mill-perit jew mill-periti skond il-każ kemm-il darba l-Qorti ma tipprovdix li jsir mod ieħor.".

Emenda ta' l-artikolu 666 tal-liġi prinċipali.

252. Minflok is-subartikoli (1) u (2) ta' l-artikolu 666 tal-liġi prinċipali għandhom jidħlu dawn is-subartikoli li ġejjin:—

"(1) Qabel il-jum mogħti għall-pubblikazzjoni tar-rapport, jew dak in-nhar stess, iżda qabel ma tissejjaħ il-kawża, il-perit għandu jippreżenta r-rapport miftuħ lir-reġistratur sabiex dan jintaxxa d-dritt tiegħu fuq it-Tariffi fl-Iskeda A li hawn ma' dan il-Kodiċi.

(2) Il-perit, bla ħsara ta' fejn il-liġi tgħid xort'oħra, ma huwiex obbligat li jippubblika r-rapport tiegħu sakemm id-dritt intaxxat mir-reġistratur ma jkunx ġie mħallas lilu jew imqiegħed f'idejn ir-reġistratur; u r-reġistratur ma jista' jikkomunika lil ħadd ebda parti tar-rapport, sakemm ma jkunx sar il-ħlas jew id-depożitu fuq imsemmi, taħt piena li jħallas lill-perit id-dritt li jmiss lilu.".

Emenda ta' l-artikolu 667 tal-liġi prinċipali.

253. Fis-subartikolu (3) ta' l-artikolu 667 tal-liġi prinċipali minflok il-kliem "b'ċitazzjoni." għandhom jidħlu l-kliem "b'rikors u għandu jinstama' mill-qorti b'mod sommarju.".

Emenda ta' l-artikolu 668 tal-liġi prinċipali.

254. Fis-subartikoli (1) u (2) ta' l-artikolu 668 tal-liġi prinċipali minflok il-kliem "tal-periti" kull fejn jinsabu, għandhom jidħlu l-kliem "tal-perit".

Sostituzzjoni ta' l-artikolu 669 tal-liġi prinċipali.

255. Minflok l-artikolu 669 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Il-qorti tista' tordna d-depożitu tad-dritt tal-perit.

669. Il-qorti tista', fid-digriet li bih taħtar lill-perit jew f'kull żmien qabel ma l-perit jippreżenta r-rapport tiegħu lir-reġistratur, tordna lill-parti li jmissha provviżorjament tħallas id-dritt, biex tqiegħed f'idejn ir-reġistratur, fiż-żmien li jiġi mogħti mill-istess qorti, somma illi, fil-fehma tal-qorti, tkun bejn wieħed u ieħor daqs id-dritt li jista' jmiss lill-perit.".

Sostituzzjoni ta' l-artikolu 670 tal-liġi prinċipali.

256. Minflok l-artikolu 670 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Każijiet li fihom il-qorti tista' tiddeċiedi l-kawża mingħajr il-perizja.

670. Il-qorti tista' tiddeċiedi l-kawża mingħajr il-perizja jew indipendentement mill-provi miġjuba quddiem il-perit —

(a) meta l-perizja ma ssirx fiż-żmien mogħti l-ewwel darba jew kif imġedded, bi ħtija tal-parti li fl-interess tagħha l-perizja tkun ġiet ordnata; jew

(b) meta ma jkunx ġie mħallas jew iddepożitat id-dritt intaxxat lill-perit skond l-artikolu 666; jew

(ċ) meta ma jsirx id-depożitu msemmi fl-aħħar artikolu qabel dan.".

Emenda ta' l-artikolu 671 tal-liġi prinċipali.

257. L-artikolu 671 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) fis-subartikolu (1) tiegħu, il-kliem ", u jekk il-periti jkunu iżjed minn wieħed, għandhom jedd jaqsmu bejniethom dak is-sehem" għandhom jitħassru;

(b) fil-proviso li hemm mas-subartikolu (1) il-kliem ", u jekk il-periti jkunu iżjed minn wieħed għandhom jedd jieħdu u jaqsmu wkoll bejniethom," għandhom jitħassru;

(ċ) minflok is-subartikolu (2) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:—

"(2) Jekk iż-żewġ partijiet ikunu ġew mogħtija l-benefiċċju ta' għajnuna legali, il-perit, meta jkun tal-klassi msemmija fl-artikolu 658, għandu jippubblika r-rapport tiegħu, ukoll jekk ma jkunx tħallas tad-dritt; u fil-każ ta' periti oħra, id-dritt għandu jitħallas mill-Gvern.".

Emenda ta' l-artikolu 672 tal-liġi prinċipali.

258. Fis-subartikolu (1) ta' l-artikolu 672 tal-liġi prinċipali, minflok il-kliem minn "il-periti għandhom jidhru" sa tmiem is-subartikolu, għandhom jidħlu l-kliem "il-perit għandu jidher il-qorti biex jaqra fil-pubbliku u jwettqu bil-ġurament, jekk ma jkunx mill-qorti ġie dispensat milli jidher.".

Emenda ta' l-artikolu 673 tal-liġi prinċipali.

259. Fl-artikolu 673 tal-liġi prinċipali minflok il-kliem "Il-qorti meta jidhrilha li hu meħtieġ, tagħti żmien" għandhom jidħlu l-kliem "Il-qorti għandha tagħti żmien".

Sostituzzjoni ta' l-artikolu 674 tal-liġi prinċipali.

260. Minflok l-artikolu 674 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Periti addizzjonali.

674. (1) Il-qorti, b'talba ta' parti jew oħra, tista' tgħaddi għall-ħatra ta' periti addizzjonali li għandhom jagħmlu r-rapport tagħhom hekk kif jaslu għal deċiżjoni fuq il-perizja.

(2) Meta l-periti jaslu għall-konklużjonijiet tagħhom b'maġġoranza tal-voti, ir-rapport għandu jsemmi l-fatt li kien hemm membru li ma jaqbilx, f'hiex ma jaqbilx u għaliex.

(3) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, id-dispożizzjonijiet ta' dan is-Sub-titolu għandhom *mutatis mutandis* jgħoddu għal periti addizzjonali.".

Tħassir ta' l-artikolu 676 tal-liġi prinċipali.

261. L-artikolu 676 tal-liġi prinċipali għandu jitħassar.

Sostituzzjoni ta' l-artikolu 677 tal-liġi prinċipali.

262. Minflok l-artikolu 677 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Żmien għat-talba ta' periti a ldizzjonali.

677. (1) It-talba għall-ħatra ta' periti addizzjonali għandha ssir b'nota ppreżentata fi żmien għaxart ijiem.

(2) Dak iż-żmien jibda għaddej mid-data tal-pubblikazzjoni tar-rapport. Jekk il-periti jkunu ġew dispensati milli jattendu quddiem il-qorti skond id-dispożizzjonijiet tas-subartikolu (1) ta' l-artikolu 672, dak iż-żmien għandu jibda jgħaddi mid-data tal-wasla għand il-parti jew għand il-prokuratur legali tiegħu ta' avviż iffirmat mir-reġistratur li jgħid li r-rapport ikun ġie pubblikat.".

Emenda ta' l-artikolu 685 tal-liġi prinċipali.

263. Fl-artikolu 685 tal-liġi prinċipali minflok il-kliem "lill-perit" għandhom jidħlu l-kliem "lill-partijiet u lill-perit".

Tħassir ta' l-artikolu 687 tal-liġi prinċipali.

264. L-artikolu 687 tal-liġi prinċipali għandu jitħassar.

Emenda ta' l-artikolu 696 tal-liġi prinċipali.

265. l-artikolu 696 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) fis-subartikolu (1) tiegħu minflok il-kliem "fl-iskrittura, meta l-proċedura hija bil-mezz ta' libell, jew fiċ-ċitazzjoni, meta l-proċedura hija bil-mezz ta' ċitazzjoni." għandhom jidħlu l-kliem "fl-iskrittura li biha jinbdew il-proċedimenti."; u

(b) fis-subartikolu (3) tiegħu l-kliem "fuq il-formula stabbilita," għandhom jitħassru.

266. L-artikolu 697 tal-liġi prinċipali għandu jiġi enumerat kif ġej:— Emenda ta' l-artikolu 697 tal-liġi prinċipali.

(a) fis-subartikolu (1) tiegħu l-kliem ", meta l-proċedura hija bil-mezz ta' libell" għandhom jitħassru;

(b) is-subartikolu (2) tiegħu għandu jitħassar; u

(ċ) is-subartikolu (1) tiegħu għandu jiġi enumerat mill-ġdid bħala l-artikolu 697.

267. L-artikolu 698 tal-liġi prinċipali għandu jiġi emendat kif ġej:— Emenda ta' l-artikolu 698 tal-liġi prinċipali.

(a) fis-subartikolu (1) tiegħu minflok il-kliem "Jekk il-parti, li tagħha tintalab is-subizzjoni," u "tippreżenta l-kapitoli," għandhom jidħlu l-kliem "Jekk il-parti, li tagħha tintalab is-subizzjoni," u l-kliem "tippreżenta kapitoli u dikjarazzjonijiet li għandhom jiġu formulati fl-affermattiv hekk li jkun jenħtiġielhom jingħataw risposta affermattiva,"; u

(b) fis-subartikolu (2) tiegħu minflok il-kliem "il-kapitoli jitqiesu mistqarra" għandhom jidħlu l-kliem "il-kapitoli jitqiesu ammessi u aċċettati".

268. L-artikolu 699 tal-liġi prinċipali għandu jiġi emendat kif ġej:— Emenda ta' l-artikolu 699 tal-liġi prinċipali.

(a) minflok is-subartikolu (1) tiegħu għandu jidħol dan li ġej:—

"(1) Fil-qrati kollha ta' kompetenza ċivili, il-kapitoli jsiru bil-miktub."; u

(b) is-subartikolu (3) tiegħu għandu jitħassar.

269. Fis-subartikolu (1) ta' l-artikolu 700 tal-liġi prinċipali minflok il-kliem "Il-kapitoli, meta miktuba," għandhom jidħlu l-kliem "Il-kapitoli". Emenda ta' l-artikolu 700 tal-liġi prinċipali.

270. L-artikolu 701 tal-liġi prinċipali għandu jitħassar. Tħassir ta' l-artikolu 701 tal-liġi prinċipali.

271. L-artikolu 702 tal-liġi prinċipali għandu jiġi emendat kif ġej:— Emenda ta' l-artikolu 702 tal-liġi prinċipali.

(a) minflok is-subartikolu (1) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:—

"(1) Fil-Qorti tal-Maġistrati (Malta) u fil-Qorti tal-Maġistrati (Għawdex) fil-kompetenza tagħha inferjuri, it-talba mill-attur għas-subizzjoni tal-konvenut issir fl-avviż imsemmi fl-artikolu 171.";

(b) is-subartikolu (2) tiegħu għandu jitħassar;

(ċ) is-subartikoli (3) u (4) tiegħu għandhom jiġu enumerati mill-ġdid bħala s-subartikoli (2) u (3) rispettivament;

(d) fil-paragrafi (a) u (b) tas-subartikolu (3) tiegħu kif enumerat mill-ġdid minflok il-kliem "ħamsin lira Maltin" għandhom jidħlu l-kliem "mitejn u ħamsin lira Maltija"; u

(e) fil-paragrafu (b) tas-subartikolu (3) kif enumerat mill-ġdid, minflok il-kliem "il-Qorti tħalli l-kawża għal darb'oħra," għandhom jidħlu l-kliem "il-Qorti tħalli l-kawża għal darb'oħra li ma jkunx aktar tard minn ħmistax-il jum mid-data tas-seduta,".

Emenda ta' l-artikolu 704 tal-liġi prinċipali.

272. Fis-subartikolu (1) ta' l-artikolu 704 tal-liġi prinċipali, il-kliem ", inklużi l-qrati inferjuri, meta l-kapitoli jsiru bil-fomm" għandhom jitħassru.

Emenda ta' l-artikolu 706 tal-liġi prinċipali.

273. Fis-subartikolu (1) ta' l-artikolu 706 tal-liġi prinċipali minflok il-kliem "skond ma jkun il-każ." għandhom jidħlu l-kliem "skond ma jkun il-każ; u dak id-digriet għandu jiġi notifikat lill-persuna jew persuni msejħa għas-subizzjoni. Il-parti li tkun qegħda titlob is-subizzjoni tal-parti l-oħra għandha tħallas għal dik in-notifika, salv kull dritt ta' ħlas lura ta' dawk l-ispejjeż skond kif il-qorti fl-aħħar taqsam l-ispejjeż.".

Emenda ta' l-artikolu 707 tal-liġi prinċipali.

274. Fis-subartikolu (1) ta' l-artikolu 707 tal-liġi prinċipali minflok il-kliem "jingħad f'dak l-artikolu." għandhom jidħlu l-kliem "jingħad f'dak l-artikolu; u dak id-digriet għandu jiġi notifikat lill-persuna jew persuni msejħa għas-subizzjoni. Il-parti li tkun qegħda titlob is-subizzjoni tal-parti l-oħra għandha tħallas għal dik in-notifika, salv kull dritt ta' ħlas lura ta' dawk l-ispejjeż skond kif il-qorti fl-aħħar tiddeċiedi.".

Emenda ta' l-artikolu 708 tal-liġi prinċipali.

275. Fl-artikolu 708 tal-liġi prinċipali l-kliem "jew minn wieħed mill-maġistrati jekk il-qorti tkun ikkostitwita b'iżjed minn maġistrat wieħed" għandhom jitħassru.

Tħassir ta' l-artikolu 710 tal-liġi prinċipali.

276. L-artikolu 710 tal-liġi prinċipali għandu jitħassar.

Emenda ta' l-artikolu 712 tal-liġi prinċipali

277. Fis-subartikolu (1) ta' l-artikolu 712 tal-liġi prinċipali minflok il-kliem "li huma ammissibbli." għandhom jidħlu l-kliem "li huma ammissibbli; u jekk il-qorti tilqa' t-talba tal-parti kif imsemmi qabel, dak id-digriet għandu jiġi notifikat lill-persuna jew persuni msejħa għas-subizzjoni. Il-parti li tkun qegħda titlob is-subizzjoni tal-parti l-oħra għandha tħallas għal dik in-notifika, salv kull dritt ta' ħlas lura ta' dawk l-ispejjeż skond kif il-qorti fl-aħħar tiddeċiedi.".

Emenda ta' l-artikolu 727 tal-liġi prinċipali.

278. Fl-artikolu 727 tal-liġi prinċipali minflok il-kliem "mir-reġistratur tal-qorti rispettiva." għandhom jidħlu l-kliem "mir-reġistratur.".

Sostituzzjoni ta' l-artikolu 728 tal-liġi prinċipali.

279. Minflok l-artikolu 728 tal-liġi prinċipali għandu jidħol dan li ġej:—

"Eċċezzjonijiet li jingħataw fin-nota ta' l-eċċezzjonijiet jew fir-risposta.

728. (1) Bla ħsara għad-dispożizzjonijiet ta' l-artikolu 731 fil-kawżi li jsiru b'ċitazzjoni jew b'rikors l-eċċezzjonijiet kollha sew jekk dilatorji jew dwar il-meritu għandhom jingħataw fin-nota ta' l-eċċezzjonijiet jew fir-risposta skond il-każ. Dawk l-eċċezzjonijiet li jolqtu l-meritu għandhom jingħataw bla ħsara ta' dawn l-eċċezzjonijiet dilatorji.

(2) Ebda eċċezzjoni oħra ma tista' tingħata f'waqt ieħor tal-kawża; b'dan li l-Qorti tista' meta jsirilha rikors mill-konvenut jew appellat tippermetti li jingħataw iktar eċċezzjonijiet, jekk din tkun sodisfatta li kien hemm raġunijiet validi l-għaliex ma jkunux ingħataw fin-nota ta' l-eċċezzjonijiet jew fir-risposta.".

Sostituzzjoni ta' l-artikolu 731 tal-liġi prinċipali.

280. Minflok l-artikolu 731 tal-liġi prinċipali għandu jidħol dan li ġej:

"Eċċezzjonijiet li jistgħu jingħataw f'kull waqt tal-proċedimenti.

731. Id-dispożizzjonijiet ta' l-artikolu 728 ma jgħoddux għal dawk l-eċċezzjonijiet li jistgħu b'dispożizzjoni espressa ta' dan il-Kodiċi jingħataw f'kull waqt tal-proċedimenti, jew għal eċċezzjonijiet li jinqalgħu waqt il-kawża.".

Emenda ta' l-artikolu 734 tal-liġi prinċipali.

281. L-artikolu 734 tal-liġi prinċipali għandu jiġi enumerat kif ġej:—

(a) l-artikolu kollu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (1) tiegħu;

(b) fis-subparagrafu (i) tal-paragrafu (d) tas-subartikolu (1) kif enumerat mill-ġdid, minflok il-kliem "dwar il-kawża," għandhom jidħlu l-kliem "dwar il-kawża jew dwar kull ħaġa oħra li għandha x'taqsam mal-kawża jew tiddependi minnha,";

(ċ) wara l-paragrafu (e) tas-subartikolu (1) kif enumerat mill-ġdid għandhom jiżdiedu dawn il-paragrafi ġodda li ġejjin:—

"(f) jekk l-avukat jew prokuratur legali li jkun qed jidher quddiem imħallef ikun ibnu jew bintu stess, ir-raġel tiegħu jew il-mara tiegħu jew axxendent tiegħu;

(ġ) jekk l-imħallef jew ir-raġel tagħha jew il-mara tiegħu jkollhom kawża pendenti kontra xi waħda mill-partijiet fil-kawża jew ikun kreditur jew debitur ta' xi parti fil-kawża b'mod li jista' raġonevolment jagħti lok ta' suspett ta' interess dirett jew indirett li jista' jinfluwenza l-eżitu tal-kawża."; u

(d) dan is-subartikolu ġdid li ġej għandu jiżdied wara s-subartikolu (1) tiegħu kif enumerat mill-ġdid:

"(2) L-imħallef jista' jiġi rikużat jew jista' jastjeni ruħu milli joqgħod f'kawża meta l-kawża tkun ġa ġiet quddiemu u hu jkun tkellem fuq l-istess merti ta' dik il-kawża meta kien qed joqgħod bħala mħallef fis-Sekond'Awla tal-Qorti Ċivili.".

Emenda ta' l-artikolu 740 tal-liġi prinċipali.

282. Fl-artikolu 740 tal-liġi prinċipali minflok il-kliem "Maġistrati tal-Pulizija Ġudizzjarja." għandhom jidħlu l-kliem "Maġistrati tal-Qrati Inferjuri.".

Sostituzzjoni ta' l-artikolu 742 tal-liġi prinċipali.

283. Minflok l-artikolu 742 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Persuni li jaqgħu taħt il-ġurisdizzjoni tal-Qrati Ċivili ta' Malta.

742. (1) Bla ħsara ta' fejn il-liġi tiddisponi espressament xort'oħra, il-Qrati Ċivili ta' Malta mingħajr ebda distinzjoni jew privileġġ, għandhom ġurisdizzjoni biex jisimgħu u jiddeċieu l-kawżi kollha li jirrigwardaw il-persuni hawn taħt imsemmija:

(a) ċittadini ta' Malta, sakemm ma jkunux stabbilew id-domiċilju tagħhom band'oħra;

(b) kull persuna, sakemm jew għandha d-domiċilju tagħha jew tkun toqgħod jew tkun qegħda Malta;

(ċ) kull persuna, f'kawża dwar ħwejjeġ li qegħdin jew li jinsabu f'Malta;

(d) kull persuna li tkun ikkuntrattat obbligazzjoni f'Malta, iżda għall-kawżi biss li għandhom x'jaqsmu ma' dik l-obbligazzjoni u kemm-il darba dik il-persuna tkun tinsab Malta;

(e) kull persuna illi, għalkemm tkun ikkuntrattat obbligazzjoni f'pajjiż ieħor, tkun ftehmet li għandha tesegwixxi dik l-obbligazzjoni f'Malta, jew tkun ikkuntrattat obbligazzjoni illi bilfors għandu jkollha effett f'Malta, kemm-il darba, f'kull każ, dik il-persuna tkun tinsab Malta;

(f) kull persuna, għal kull obbligazzjoni li tkun ikkuntrattat favur ċittadin ta' Malta jew persuna li tinsab Malta jew korp li jkollu personalità ġuridika distinta jew assoċjazzjoni ta' persuni inkorporati jew li jiffunzjonaw f'Malta, meta s-sentenza tista' tkun esegwita f'Malta;

(ġ) kull persuna li tkun b'mod espress jew taċitu volontarjament qagħdet jew qablet li toqgħod għall-ġurisdizzjoni tal-qorti.

(2) Il-ġurisdizzjoni tal-qrati ta' kompetenza ċivili mhijiex eskluża mill-fatt li qorti barranija tkun qegħda tittratta l-istess kawża jew kawża li għandha x'taqsam magħha. Meta qorti barranija jkollha ġurisdizzjoni konkorrenti, il-qrati jistgħu fid-diskrezzjoni tagħhom, jilliberaw lill-konvenut mill-osservanza tal-ġudizzju jew iwaqqfu l-proċedimenti f'każ li l-azzjoni, jekk titkompla Malta, tkun vessatorja, oppressiva jew inġusta għall-konvenut.

(3) Il-ġurisdizzjoni tal-qrati ta' kompetenza ċivili mhijiex eskluża mill-fatt li jkun hemm xi ftehim ta' arbitraġġ bejn il-partijiet, sew jekk il-proċedimenti ta' arbitraġġ ikunu nbdew jew le, f'liema każ il-qorti, bla ħsara għad-dispożizzjonijiet ta' kull liġi li tirregola l-arbitraġġ, għandha twaqqaf il-proċedimenti mingħajr preġudizzju għad-dispożizzjonijiet tas-subartikolu (4) ta' dan l-artikolu u għas-setgħa li għandha l-qorti li tagħti kull ordni jew direttiva.

(4) Meta ssir talba minn persuna li tkun parti fi ftehim ta' arbitraġġ, il-qrati jistgħu joħorġu kull att kawtelatorju, f'liema każ, jekk dik il-parti tkun għadha ma ressqitx it-talba tagħha quddiem arbitru, it-termini stabbiliti f'dan il-Kodiċi li fihom għandha tinbeda l-azzjoni dwar it-talba għandhom ikunu ta' għoxrin jum mid-data tal-ħruġ ta' l-att kawtelatorju.

(5) Att kawtelatorju maħruġ skond ma hemm fis-subartikolu ta' qabel dan għandu jitneħħa:—

(a) jekk dik il-parti li jinħareġ kontriha tagħmel dak id-depożitu jew tagħti dik il-garanzija li tkun biżżejjed sabiex tiżgura d-drittijiet jew it-talbiet imsemmija fl-att; jew

(b) jekk min japplika jonqos milli jressaq it-talba tiegħu, sew quddiem l-arbitru jew quddiem il-qorti, fit-terminu imsemmi ta' għoxrin jum; jew

(ċ) meta jiskadi ż-żmien, oriġinali jew imġedded, ta' l-att partikolari skond dan il-Kodiċi; jew

(d) għal raġuni tajba, fuq rikors tad-debitur, kif il-qorti tista' tqis xieraq fiċ-ċirkostanzi.".

Żieda ta' artikolu 742A ġdid mal-liġi prinċipali.

284. Minnufih wara l-artikolu 742 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Ma jistgħux isiru proċedimenti kontra l-President ta' Malta.

742A. Ebda proċedimenti ċivili ma jistgħu jittieħdu kontra l-President ta' Malta dwar dak li jkun għamel fil-qadi tal-funzjonijiet tal-kariga tiegħu.".

Emenda ta' l-artikolu 743 tal-liġi prinċipali.

285. L-artikolu 743 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "tal-Qrati Ċivili ta' Malta," għandhom jidħlu l-kliem "tal-qrati ta' kompetenza ċivili,"; u

(b) fin-nota marġinali tiegħu minflok il-kliem "tal-Qrati Ċivili ta' Malta" għandhom jidħlu l-kliem "tal-qrati ta' kompetenza ċivili."

Emenda ta' l-artikolu 745 tal-liġi prinċipali.

286. L-artikolu 745 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) minflok il-kliem "jew persuni morali," għandhom jidħlu l-kliem "jew kull korp ieħor li jkollu personalità ġuridika distinta,";

Amendment of section 616 of the principal law.

230. The words "the name of such person" in section 616 of the principal law shall be substituted by the words "the name and address of such person".

Substitution of section 617 of the principal law.

231. Section 617 of the principal law shall be substituted by the following new section:

"Interrogatories to be accessible to opposite party.

617. A copy of the interrogatories reduced into writing shall be served on the opposite party or on his advocate.".

Amendmentof section 619 of the principal law.

232. The words "the Prime Minister" in section 619 of the principal law shall be substituted by the words "the Minister responsible for justice".

Amendment of section 622 of the principal law.

233. The words "the Prime Minister" in subsection (2) of section 622 of the principal law shall be substituted by the words "the Minister responsible for justice".

Addition of new section 622A.

234. Immediately after section 622 of the principal law there shall be inserted the following new section:

"Evidence by affidavit of witness residing abroad.

622A (1) Notwithstanding the provisions of sections 613 to 622, where the evidence of a witness residing outside Malta is required, and such person has made an affidavit about facts within his knowledge before an authority or other person who is by the law of the country where the witness resides empowered to administer oaths, or before a consular officer of Malta serving in the country where the witness resides, such affidavit duly authenticated may be produced in evidence before a court in Malta: and the provisions of sections 623, 624 and 625 shall apply to such affidavits.

(2) The affidavit so obtained shall be served on the opposite party or parties, and any party to the proceedings desiring to cross-examine such a witness shall apply to the court for the examination of such witness by letters of request not later than twenty days from the service of the affidavit; and the provisions of this Code relative to letters of request shall apply with such modifications and adaptations as may be necessary.

(3) If no application is made as aforesaid no cross-examination of the witness shall be allowed unless the court for a good reason otherwise directs; and the affidavit shall be taken into consideration notwithstanding the absence of cross-examination.

(4) Notwithstanding the foregoing provisions of this section, if the parties agree, and the court deems it proper so to act, the court may make such other provisions concerning the conduct of the cross-examination as may be appropriate according to circumstances.".

Amendment of section 623 of the principal law.

235. The words "it shall be lawful for the court," in section 623 of the principal law shall be substituted by the words "it shall be lawful for the court of its own motion or".

Amendment of section 624 of the principal law.

236. Subsection (2) of section 624 of the principal law shall be substituted by the following new subsection:

"(2) If the cause in which the examination was ordered has terminated and has subsequently been re-instituted in terms of law, the examination may also be produced both before the court of first instance and before the appellate court.".

Amendment of section 627 of the principal law.

237. Section 627 of the principal law shall be amended as follows:

(a) paragraph (d) thereof shall be substituted by the following new paragraph:

"(d) the acts of the Government of Malta printed under the authority of the Government and duly published;"; and

(b) paragraph (f) shall be substituted by the following new paragraph:

"(f) the certificates issued from the Public Registry Office and the Land Registry;".

Amendment of section 634 of the principal law.

238. The words "advocate or a notary" and the words "advocate or notary" in subsection (2) of section 634 of the principal law shall be respectively substituted by the words "advocate, a notary or a legal procurator" and the words "advocate or notary or legal procurator".

Amendment of section 637 of the principal law.

239. Section 637 of the principal law shall be amended as follows:

(a) subsection (3) thereof shall be substituted by the following new subsection:

"(3) It shall not be lawful to demand the production of any exempt document which forms part of any correspondence of any civil, military, naval or air force department or of any report belonging to any such department.";

(b) subsection (4) thereof shall be renumbered as subsection (5) thereof;

(c) the following new subsection shall be added after subsection (3) thereof:—

"(4) For the purposes of subsection (3) of this section, a document is an exempt document if —

(a) disclosure of the document would be contrary to the public interest for the reason that the disclosure —

"Kontinwazzjoni tal-kawża mill-werriet preżuntiv jew minn kuraturi.

807. (1) Jekk ebda persuna ma tagħmel rikors fejn titlob li l-kawża titkompla f'isimha, minflok il-parti li tkun mietet, il-parti l-oħra tista', b'rikors, titlob li l-kawża tgħaddi fil-persuna tal-werriet jew werrieta preżuntivi tal-parti li tkun mietet, jekk ikunu magħrufa.

(2) Dak ir-rikors għandu b'ordni tal-Qorti jiġi notifikat lill-werriet preżuntiv jew werrieta preżuntivi li jkollhom żmien xahar li fih ikunu jridu jiddikjaraw jekk humiex bi ħsiebhom ikomplu l-kawża.

(3) Jekk ma ssirx dik id-dikjarazzjoni, l-Qorti għandha *ex officio* tgħaddi biex taħtar kuratur *ad litem* sabiex dan jirrappreżenta l-interessi tal-mejjet fil-kawża skond l-artikolu 809.

(4) Meta ma jkun magħruf ħadd li jista' jirrappreżenta l-mejjet, dak ir-rikors jista' jkun fih biss it-talba għall-ħatra ta' kuraturi biex ikomplu l-kawża.

(5) Il-kuratur għandu jieħu dawk il-passi kollha meħtieġa biex jidentifika u jsib fejn ikunu l-eredi preżuntivi tal-mejjet u meta dawn jiġu hekk identifikati u misjuba, l-kuratur għandu jitlob lill-qorti sabiex tinnotifikhom dwar il-kawża pendenti u l-Qorti għandha tordnalu jew tordnalhom jiddikjaraw fi żmien speċifikat jekk humiex lesti li jkomplu l-kawża.".

Sostituzzjoni ta' l-artikolu 808 tal-liġi prinċipali.

296. Minflok l-artikolu 808 tal-liġi prinċipali għandu jidħol dan li ġej:—

"Il-kontumaċja ma ġġibx ir-rinunzja tal-werriet, eċċ. għall-wirt, eċċ.

808. In-nuqqas tad-dehra tal-werriet jew ta' l-esekutur sabiex jissokta l-kawża ma timplikax ir-rinunzja għall-wirt jew għall-esekutorija; u sew il-werriet kif ukoll l-esekutur, wara li jġib prova lill-qorti dwar it-titolu tiegħu, jista' f'kull żmien b'rikors jassumi it-tkomplija tal-kawża, u jwaqqaf l-effet tal-ħatra tal-kuraturi għall-proċeduri li jsiru wara. Ir-rikors għandu jiġi notifikat lill-kuraturi u lill-partijiet l-oħra fil-kawża li jistgħu jippreżentaw risposta għalih f'dak iż-żmien li l-qorti tistabbilixxi.".

Emenda ta' l-artikolu 809 tal-liġi prinċipali.

297. Fl-artikolu 809 tal-liġi prinċipali minflok il-kliem "lill-werriet preżuntiv, jekk ikun magħruf." għandhom jidħlu l-kliem "lill-werriet preżuntiv jew lill-werrieta preżuntivi, jekk ikunu magħrufin; u jekk ma jkunux magħrufin dawk il-bandi għandhom jiġu pubblikati darbtejn f'mill-inqas żewġ gazzetti ta' kuljum, b'intervall ta' ġimgħa bejn pubblikazzjoni u oħra, bi spejjez tar-rikorrent u mingħajr il-ħtieġa ta' ebda notifika.".

Żieda ta' l-artikolu ġdid 810A mal-liġi prinċipali.

298. Minnufih wara l-artikolu 810 tal-liġi prinċipali għandu jiżdied dan l-artikolu ġdid li ġej:

"Bdil tal-partijiet minħabba f'raġunijiet oħra.

810A. Fil-każ ta' xi bdil ieħor tal-partijiet f'kawża għal raġuni oħra li ma tkunx il-mewt *pendente lite* ta' xi parti fil-kawża, min ikun jixtieq jidħol fil-kawża għandu jippreżenta rikors li fih jitlob awtorizzazzjoni sabiex jassumi l-atti tal-kawża flimkien ma' jew minflok dik il-parti li hekk għandha x'taqsam, u s-sentenza tkun ukoll torbot lil dik il-parti li tkun assumiet l-atti tal-kawża.".

Sostituzzjoni ta' l-artikolu 814 tal-liġi prinċipali.

299. Minflok l-artikolu 814 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Il-qorti li quddiemha għandha ssir it-talba għar-ritrattazzjoni.

814. Bla ħsara għad-dispożizzjonijiet tas-Sub-titolu II tat-Titolu II ta' It-Tielet Ktieb ta' dan il-Kodiċi, it-talba għar-ritrattazzjoni għandha ssir quddiem il-qorti li tkun tat is-sentenza attakkata, u jistgħu joqogħdu fiha l-istess imħallfin jew maġistrati.".

Sostituzzjoni ta' l-artikolu 815 tal-liġi prinċipali.

300. Minflok l-artikolu 815 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Kif issir it-talba għar-ritrattazzjoni.

815. Fil-qrati superjuri u fil-qrati inferjuri it-talba għar-ritrattazzjoni, f'qorti ta' l-ewwel grad, għandha ssir b'ċitazzjoni, u quddiem il-qorti fi grad ta' appell, b'rikors; flimkien mal-preżentata tar-rikors għandha tingħata l-garanzija għall-ispejjeż skond l-artikolu 249.".

Emenda ta' l-artikolu 816 tal-liġi prinċipali.

301. L-artikolu 816 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) fis-subartikolu (1) tiegħu minflok il-kliem "Fil-libell. fil-petizzjoni jew fiċ-ċitazzjoni," għandhom jidħlu l-kliem "Fiċ-ċitazzjoni jew fir-rikors,"; u

(b) minflok in-nota marġinali li hemm għandha tidħol din in-nota marġinali li ġejja:

"X'għandu jkun fihom iċ-ċitazzjoni jew ir-rikors.".

Tħassir ta' l-artikolu 817 tal-liġi prinċipali.

302. L-artikolu 817 tal-liġi prinċipali għandu jitħassar.

Emenda ta' l-artikolu 818 tal-liġi prinċipali.

303. L-artikolu 818 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) id-dispożizzjoni preżenti għandha tiġi enumerata mill-ġdid bħala s-subartikolu (1) tagħha; u

(b) minnufih wara s-subartikolu (1) tiegħu kif enumerat mill-ġdid għandu jiżdied dan is-subartikolu ġdid li ġej:—

"(2) Ma tista' tintalab f'eba każ ritrattazzjoni wara li jgħaddu ħames snin minn meta tkun ingħatat l-ewwel sentenza.".

Emenda ta' l-artikolu 823 tal-liġi prinċipali.

304. Fis-subartikolu (2) ta' l-artikolu 823 tal-liġi prinċipali minflok il-kliem "b'ċitazzjoni," għandhom jidħlu l-kliem "b'rikors quddiem il-Qorti ta' l-Appell u b'ċitazzjoni quddiem il-Qorti ta' l-ewwel grad,".

Emenda ta' l-artikolu 827 tal-liġi prinċipali.

305. L-artikolu 827 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (1) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:

"(1) Id-dispożizzjonijiet ta' l-artikolu li jiġi minnufih qabel dan ma għandhomx iseħħu:

(a) jekk is-sentenza li tagħha tintalab l-esekuzzjoni tista' tkun attakkata għal xi waħda mir-raġunijiet imsemmija fl-artikolu 811;

(b) f'każ ta' sentenza mogħtija fil-kontumaċja, jekk il-partijiet ma kienux kontumaċi skond il-liġi barranija;

(ċ) jekk is-sentenza fiha xi dispożizzjonijiet kuntrarji għall-ordni pubbliku jew għal-liġi pubblika interna ta' Malta.";

(b) is-subartikolu (2) tiegħu għandu jitħassar; u

(ċ) is-subartikolu (3) għandu jiġi enumerat mill-ġdid bħala s-subartikolu (2) tiegħu.

Emenda ta' l-artikolu 830 tal-liġi prinċipali.

306. L-artikolu 830 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) fis-subartikolu (2) tiegħu, minflok il-kliem "l-artikoli 870 u 888," għandhom jidħlu l-kliem "l-artikolu 870", u minflok il-kliem "fir-reġistru proprju" għandhom jidħlu l-kliem "fir-reġistru proprju u minkejja li jkun sar depożitu jew ingħatat garanzija kif imsemmi qabel, it-termini stabbiliti f'dan it-Titolu fuq il-kreditur sabiex iressaq l-azzjoni tiegħu għandhom jibqgħu jgħoddu. Dawk it-termini għandhom jibdew għaddejjin minn meta jinħareġ l-att kawtelatorju, u n-nuqqas tal-kreditur li jagħmel kawża fit-termini mogħtija jagħti jedd lid-debitur li jiżbanka d-depożitu jew iħassar il-garanzija.";

(b) minflok il-kliem "Reġistratur tal-Qrati Superjuri" fis-subartikoli (4) u (5) tiegħu għandha tidħol il-kelma "reġistratur"; u

Att Nru. XVII ta' l-1991.

(ċ) is-subartikolu (3) miżjud mal-liġi prinċipali bis-saħħa ta' l-artikolu 82 ta' l-Att ta' l-1991 dwar l-Awtorità Marittima ta' Malta għandu jitħassar.

Emenda ta' l-artikolu 831 tal-liġi prinċipali.

307. L-artikolu 831 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (1) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:—

"(1) It-talba għall-ħruġ ta' xi wieħed mill-mandati hawn fuq imsemmija ssir b'rikors imħejji mir-rikorrent fuq il-formula stabbilita.";

(b) minflok is-subartikolu (2) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:—

"(2) Fir-rikors għandhom jiġu dikjarati bil-ġurament l-oriġini u x-xorta tal-kreditu jew pretensjoni li wieħed ikun irid iqiegħed fiż-żgur:

Iżda meta f'rikors wieħed ikun hemm iktar minn rikorrent wieħed li jkun qiegħed jitlob il-ħruġ ta' xi wieħed mill-atti kawtelatorji imsemmija fis-subartikolu (1) ta' l-artikolu 830 kontra l-istess intimat, il-ġurament għandu jittieħed minn għall-inqas wieħed mir-rikorrenti.";

(ċ) is-subartikolu (4) tiegħu għandu jitħassar; u

(d) is-subartikolu (5) tiegħu għandu jiġi enumerat mill-ġdid bħala s-subartikolu (4) tiegħu, u fil-proviso li hemm miegħu minflok il-kliem minn "bil-firma tar-reġistratur persunali," sa "jew maġistrat, skond il-każ," għandhom jidħlu l-kliem "bil-firma tar-reġistratur personalment wara li qabel ikun ġie awtorizzat verbalment jagħmel hekk mill-imħallef jew mill-maġistrat. F'dan il-każ, l-imħallef jew il-maġistrat għandu jżid il-firma tiegħu ma' dik tar-reġistratur minnufih malli jkun jista' biex jikkonferma li jkun ta l-awtorizzazzjoni verbali tiegħu imsemmija jew, jekk ma huwiex possibbli għar-reġistratur li jikseb dik l-awtorizzazzjoni verbali, ir-reġistratur għandu, taħt l-awtorità tiegħu, joħroġ dak il-mandat jew ordni bil-firma tiegħu, b'dan illi dak il-ħruġ għandu jiġi ratifikat mill-imħallef jew mill-maġistrat kemm jista' jkun malajr.".

Emenda ta' l-artikolu 832 tal-liġi prinċipali.

308. Fl-artikolu 832 tal-liġi prinċipali minflok il-kliem "is-somma tal-kreditu jew pretensjoni tiegħu," għandhom jidħlu l-kliem "is-somma tal-kreditu jew pretensjoni tiegħu, u jekk tkun ġiet preżentata kawża fil-qorti, dik it-talba tista' tispeċifika u tinkludi l-ispejjeż ġudizzjarji,".

Emenda ta' l-artikolu 833 tal-liġi prinċipali.

309. Fl-artikolu 833 tal-liġi prinċipali minflok il-kliem "mir-reġistratur tal-qorti rispettiva." għandhom jidħlu l-kliem "mir-reġistratur.".

Emenda ta' l-artikolu 835 tal-liġi prinċipali.

310. Fl-artikolu 835 tal-liġi prinċipali minflok il-kliem "għaxar liri." għandhom jidħlu l-kliem "mitt lira.".

Sostituzzjoni ta' l-artikolu 836 tal-liġi prinċipali.

311. Minflok l-artikolu 836 tal-liġi prinċipali għandu jidħol dan l-artikolu li ġej:—

"Kontro-mandat.

836. (1) Mingħajr ebda preġudizzju għal kull jedd ieħor taħt dan il-Kodiċi jew kull liġi oħra, l-intimat li jkun inħareġ att kawtelatorju kontrih jista' jagħmel rikors lill-Qorti li tkun ħarġet l-att kawtelatorju, jew inkella, jekk tkun

saret kawża, jista' jagħmel rikors lill-qorti li tkun qegħda tittratta dik il-kawża li fih jitlob li l-att kawtelatorju jiġi revokat, sew għal kollox jew f'parti minnu, għal xi waħda minn dawn ir-raġunijiet li ġejjin:

(a) li l-att kawtelatorju m'għadux iktar fis-seħħ;

(b) li waħda mill-ħtiġiet tal-liġi għall-ħruġ ta' l-att kawtelatorju ma tkunx għadha fil-fatt teżisti;

(ċ) li jkun hemm garanzija xierqa oħra sabiex tissodisfa l-pretensjoni ta' min ikun talab il-ħruġ ta' l-att kawtelatorju sew bil-ħruġ ta' att kawtelatorju ieħor, jew inkella jekk dik il-garanzija oħra tista' għas-sodisfazzjon tal-Qorti tassigura biżżejjed il-pretensjoni; jew

(d) jekk jintwera li l-ammont mitlub ma jkunx *prima facie* ġustifikat jew ikun eċċessiv; jew

(e) jekk il-garanzija mogħtija titqies mill-qorti li tkun biżżejjed; jew

(f) jekk jintwera li fiċ-ċirkostanzi ma jkunx raġonevoli li jinżamm fis-seħħ l-att kawtelatorju jew parti minnu jew li dan l-att jew parti minnu mhuwiex aktar meħtieġ jew ġustifikabbli.

(2) Fil-każ maħsub fil-paragrafu (a) tas-subartikolu (1) ta' dan l-artikolu, il-qorti għandha tara li l-att kawtelatorju ma jkunx għadu fis-seħħ u tagħti digriet li jgħid dan u fil-każijiet maħsubin fil-paragrafi (b) sa (f) tas-subartikolu (1) ta' dan l-artikolu, il-Qorti għandha tisma' r-rikors bl-urġenza.

(3) Kopja tar-rikors għandha tiġi notifikata lil-persuna li tkun għamlet ir-rikors għall-ħruġ ta' l-att kawtelatorju u dan għandu mhux aktar tard mill-jum stabbilit għas-smiegħ tar-rikors jiddikjara permezz ta' nota x'inhuma r-raġunijiet tiegħu, jekk ikollu, għaliex dik it-talba ma għandhiex tintlaqa'. Fin-nuqqas ta' dik l-oppożizzjoni il-Qorti tgħaddi biex tilqa' t-talba.

(4) Wara li tisma' lill-partijiet, il-Qorti għandha b'digriet ieħor li jista' jingħata *in camera* jew tiċħad ir-rikors jew tilqa' t-talba fir-rikors taħt dawk il-kondizzjonijiet li tista' tqis xierqa.

(5) Ma għandu jsir ebda appell u kontestazzjoni minn digriet li jilqa' rikors imsemmi fis-subartikolu (1) ta' dan l-artikolu, u dan id-digriet ikun finali u irrevokabbli; u barra l-każ kontemplat fil-paragrafu (a) tas-subartikolu (1) ebda att kawtelatorju bħal dak ma jista' jinħareġ biex jiggarantixxi l-pretensjoni kontra l-persuna li kontriha l-att kawtelatorju

hekk revokat ikun inħareġ, kemm-il darba fir-rikors għall-ħruġ ta' dak l-att kawtelatorju bħal dak ir-rikorrent ma jiddikjarax li jkunu nqalgħu ċirkostanzi minn meta ġie revokat l-att kawtelatorju ta' qabel, li jiġġustifikaw il-ħruġ ta' att kawtelatorju ġdid bħal dak li jkun ġie revokat, u d-dispożizzjonijiet ta' dan l-artikolu għandhom, ma' dan, japplikaw għal dak l-att kawtelatorju maħruġ mill-ġdid bis-saħħa ta' dak ir-rikors.

(6) Id-dispożizzjonijiet tas-subartikolu (4) ta' l-artikolu 831 għandhom jgħoddu għad-digriet maħruġ taħt il-paragrafu (a) tas-subartikolu (1) ta' dan l-artikolu.

(7) Minkejja li tiġi depożitata fir-reġistru tal-qorti garanzija xierqa sabiex tiġi sodisfatta t-talba tal-persuna li, fuq talba tagħha, l-att kawtelatorju jkun inħareġ, il-qorti li tkun ħarġet il-kontro-mandat taħt id-dispożizzjonijiet ta' dan l-artikolu tkun għadha tista', fuq talba li ssir b'rikors minn persuna li jkollha interess, tinvestiga jekk l-att kawtelatorju relattiv setax isir jew le u l-qorti tista' wkoll tordna t-tnaqqis ta' l-ammont tal-garanzija depożitata jew tiddikjara l-att kawtelatorju kontra l-liġi, f'liema każ ta' l-aħħar għandha tordna li l-att kawtelatorju jiġi revokat.

(8) Il-qorti tista' tikkundanna lir-rikorrent li jkun inħareġ att kawtelatorju fuq talba tiegħu sabiex iħallas penali ta' mhux inqas minn ħames mitt lira Maltija u mhux iżjed minn tlett elef lira Maltija li jmorru għand il-persuna li kontriha jkun inħareġ l-att kawtelatorju, f'kull każ minn dawn li ġejjin:

(a) jekk ir-rikorrent ma jagħmilx il-kawża dwar it-talba fiż-żmien stabbilit bil-liġi;

(b) jekk, fuq it-talba tal-konvenut għat-tneħħija ta' l-att kawtelatorju, l-attur jonqos mill- jiġġustifika li l-att kawtelatorju kellu jinħareġ jew illi fi żmien ħmistax-il jum qabel ma jkun sar ir-rikors għall-ħruġ ta' l-att kawtelatorju, huwa jkun b'xi mod talab lill-konvenut li jħallas id-dejn, jew, jekk id-dejn ma jkunx wieħed likwidu, sabiex jipprovdi sigurtà biżżejjed:

Iżda d-dispożizzjonijiet ta' dan il-paragrafu ma għandhomx japplikaw meta jintwera li kien hemm raġunijiet ta' urġenza għall-ħruġ tal-mandat;

(ċ) jekk iċ-ċirkostanzi tad-debitur kienu tali li ma jagħtux lok għal xi dubju raġonevoli dwar il-likwidità tiegħu u dwar il-kapaċità finanzjarja tiegħu li jħallas it-talbiet tar-rikorrent, u din il-qagħda tad-debitur kienet magħrufa sew;

(d) jekk it-talba tar-rikorrent tkun waħda li ssir b'malizzja, tkun frivola jew vessatorja.

(9) Fil-każijiet li jaqgħu taħt is-subartikolu ta' qabel dan, il-Qorti tista', meta ssirilha ċitazzjoni mill-persuna li kontriha jkun inħareġ l-att kawtelatorju, tikkundanna lir-rikorrent li fuq talba tiegħu jkun inħareġ il-mandat kawtelatorju sabiex iħallas dawk id-danni lil dik il-persuna li hija setgħet ġarrbet bil-ħruġ tal-mandat, u f'kawżi bħal dawk il-Qorti għandha tara u tuza l-iskritturi tal-proċedimenti ta' l-att kawtelatorju u ta' kull proċediment ieħor li joħroġ jew jitnissel minnu, u dawk l-iskritturi għandhom jitqiesu bħala prova ammissibbli għall-finijiet ta' din l-azzjoni.".

Emenda ta' l-artikolu 837 tal-liġi prinċipali.

312. Fis-subartikolu (1) ta' l-artikolu 837 tal-liġi prinċipali, il-kliem ", ta' inibizzjoni," għandhom jitħassru.

Żieda ta' l-artikolu 838A ġdid mal-liġi prinċipali.

313. Minnufih wara l-artikolu 838 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Garanzija għall-ħlas ta' penali, eċċ.

838A. Il-qorti tista', meta tintwera kawża ġusta għal dan, malli ssirilha talba b'rikors mill-persuna li kontriha jkun inħareġ att kawtelatorju, tordna lil dik il-parti li tkun talbet il-ħruġ ta' l-att kawtelatorju sabiex tagħti, fi żmien stabbilit mill-qorti, garanzija xierqa għall-ħlas tal-penali li tista' tiġi mposta u ta' danni u imgħax, u, fin-nuqqas, li tneħħi l-att kawtelatorju.".

Emenda ta' l-artikolu 843 tal-liġi prinċipali.

314. Minflok is-subartikolu (1) ta' l-artikolu 843 tal-liġi prinċipali għandu jidħol dan is-subartikolu ġdid li ġej:

"(1) Ir-rikorrent għandu jagħmel il-kawża għall-jedd imsemmi fil-mandat fi żmien sitt ijiem mill-kunsinna ta' l-avviż ta' l-esekuzzjoni tal-mandat lir-rikorrent jew lill-avukat jew prokuratur legali lil-firma tiegħu tkun tidher fuq ir-rikors għall-ħruġ tal-mandat jew fi żmien tnax il-jum wara l-ħruġ tal-mandat, skond liema data tiġi qabel.".

Emenda ta' l-artikolu 846 tal-liġi prinċipali.

315. L-artikolu 846 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) fis-subartikolu (2) minflok il-kliem "tal-mandat, u" għandhom jidħlu l-kliem "tal-mandat jew fi żmien tnax-il jum wara l-ħruġ tal-mandat, skond liema data tiġi qabel, u"; u

(b) is-subartikoli (3) u (4) għandhom jitħassru.

Emenda ta' l-artikolu 847 tal-liġi prinċipali.

316. Dan il-proviso li ġej għandu jiżdied ma' l-artikolu 847 tal-liġi prinċipali:

"Iżda fil-każ ta' bastimenti, biċċiet oħra tal-baħar, inġenji ta' l-ajru, oġġetti li jitħassru jew assi li jiddeterjoraw oħra, il-Qorti tista', meta jsirilha rikors mill-attur f'kawża li tkun pendenti quddiem il-Qorti, tordna l-bejgħ ta' l-oġġetti *pendente lite* jekk il-Qorti jidhrilha wara li jsirilha rikors minn kreditur li d-debitur huwa fallut jew inkella li huwa improbabbli li ser ikompli fil-kummerċ u jżomm

dak l-oġġett. Sabiex il-Qorti tasal għall-konklużjoni tagħha hija għandha tqis iċ-ċirkostanzi kollha marbutin mal-każ magħduda x-xorta ta' pretensjoni ta' l-attur, l-eċċezzjonijiet miġjuba kontra din il-pretensjoni jekk ikun hemm, u dawk l-azzjonijiet l-oħra kollha meħuda mid-debitur biex jiżgura l-pretensjoni tiegħu, jew inkella sabiex iżomm sħiħ dak l-oġġett.".

Emenda ta' l-artikolu 849 tal-liġi prinċipali.

317. Fil-paragrafu (a) tal-proviso li tinsab ma' l-artikolu 849 tal-liġi prinċipali minflok il-kliem "jiġi notifikat lilu l-avviż" għandhom jidħlu l-kliem "jiġi notifikat lilu, jew lill-avukat jew prokuratur legali li l-firma tiegħu tkun tidher fuq ir-rikors, l-avviż".

Emenda ta' l-artikolu 850 tal-liġi prinċipali.

318. Fis-subartikolu (1) u (2) ta' l-artikolu 850 tal-liġi prinċipali minflok il-kliem "sitt xhur" għandha tidħol il-kelma "sena".

Sostituzzjoni ta' l-artikoli 855 sa 872 tal-liġi prinċipali.

319. Minflok l-artikoli 855 sa 872 tal-liġi prinċipali għandu jidħol dan li ġej:

"Skop tal-mandat.

855. Mandat ta' impediment tas-safar ta' bastiment jew biċċa oħra tal-baħar jista' jinħareġ biss biex jitqegħdu fiż-żgur dejn jew pretensjoni li bit-tluq tal-bastiment jew biċċa oħra tal-baħar jistgħu jiġu skartati.

X'għandu jkun fih il-mandat u n-notifika tiegħu.

856. Bis-saħħa tal-mandat ta' impediment tas-safar, il-marixxall jiġi ordnat li jżomm it-tluq ta' bastiment jew biċċa oħra tal-baħar, u li jagħti lill-Kontrollur tad-Dwana u lill-uffiċjal responsabbli għall-portijiet skond il-liġi kopja tal-mandat, u jordnalu li ma jagħtix il-karti tat-tluq ta' dak il-bastiment jew biċċa oħra tal-baħar, jew, jekk ikunu ġa nħarġu, li joħodhom lura.

Lil min għandu jiġi notifikat il-mandat.

857. Il-persuna li jkollha t-tluq tal-bastiment jew biċċa oħra tal-baħar miżmum jew il-kaptan jew persuna oħra li jkollha l-inkarigu tiegħu jew l-aġent tiegħu għandhom ukoll jiġu notifikati b'kopja tal-mandat.

Piena għal min ma jobdix l-ordni.

858. Fil-mandat għandu jkun hemm twissija lil kull min jiġi notifikat bih, li fil-każ li l-ordni jiġi miksur, dawk il-persuni jkunu ħatja ta' disprezz lejn l-awtorità tal-qorti.

Setgħat ta' l-uffiċjal esekutur.

859. Il-marixxall hu awtorizzat li jagħmel, suġġett għad-direttivi mogħtija mill-Qorti jew mir-reġistratur, dak kollu li jidhirlu meħtieġ sabiex il-mandat jiġi esegwit sewwa.

X'għandu jkun fiha t-talba.

860. Il-persuna li titlob il-ħruġ tal-mandat barra mid-dikjarazzjonijiet bil-ġurament meħtieġa taħt l-artikoli 831 u 832, għandha tiddikjara bil-ġurament li bit-tluq tal-bastiment jew biċċa oħra tal-baħar, il-pretensjoni tagħha tista' tiġi skartata.

Il-mandat jista' jintalab għall-kreditu mhux anqas minn Lm3,000.

861. Il-mandat jista' jintalab u jingħata biex jitqiegħdu fiż-żgur kreditu jew pretensjoni oħra ta' mhux anqas minn tlett elef lira Maltija, sew qabel kemm wara s-sentenza li biha l-kreditu jew il-pretensjoni jiġu kkanonizzati.

Mandat li jintalab wara li tiġi kkanonizzata l-pretensjoni.

862. Meta l-mandat jintalab wara li l-kreditu jew il-pretensjoni jiġu kkanonizzati b'sentenza, ir-rikorrent għandu, fir-rikors, imsemmi s-sentenza li biha jkunu ġew ikkanonizzati l-kreditu jew il-pretensjoni tiegħu, u għandu, minbarra d-dikjarazzjonijiet bil-ġurament imsemmija fl-artikoli 831, 832 u 860, iwettaq taħt l-istess ġurament illi s-sentenza ma ġiet esegwita xejn jew illi ma ġietx esegwita għal kollox.

Mandat *pendente lite*.

863. Meta l-mandat jintalab *pendente lite*, barra miċ-ċirkostanzi msemmijin fl-artikolu 860, ir-rikorrent għandu, taħt l-istess ġurament, ukoll jiddikjara il-fatt li hemm il-kawża miexja, filwaqt li jagħti d-dettalji meħtieġa dwar liema tkun sewwasew dik il-kawża.

Penali għal min jagħmel it-talba għall-mandat bil-qerq.

864. Jekk jinsab li l-mandat ġie miksub mir-rikorrent fuq talba magħmula bil-qerq, il-penali skond is-subartikolu (8) ta' l-artikolu 836 ma għandhiex tkun anqas minn tlett elef lira.

Danni.

865. Fil-każijiet kollha li fihom mandat jiġi ddikjarat bħala li ġie miksub inġustament, il-parti li tkun talbet il-ħruġ tal-mandat tista' tiġi mġiegħa tħallas id-danni u l-imgħaxijiet u dan ikun b'żieda mal-penali msemmija skond l-artikoli 836 u 864.

Garanzija għall-ħlas tal-penali, eċċ.

866. Il-qorti tista', meta tinġieb raġuni tajba, fuq talba b'rikors magħmul mill-persuna li kontra l-bastiment tagħha jew biċċa oħra tal-baħar ikun ġie maħruġ il-mandat, il-kaptan, persuna oħra li jkollha l-inkarigu tiegħu, jew l-aġent, tordna lill-parti li titlob il-ħruġ tal-mandat li ġġib, fiż-żmien li jiġi mogħti mill-qorti, garanzija tajba, f'ammont ta' mhux anqas minn tlett elef lira, għall-ħlas tal-penali, d-danni u l-imgħaxijiet, u, fin-nuqqas ta' dan, tħassar il-mandat.

Żmien li fih għandha tiġi ppreżentata t-talba għall-kanonizzazzjoni tal-kreditu.

867. Mandat maħruġ qabel il-kanonizzazzjoni tal-kreditu jew pretensjoni, ma jibqax iseħħ, jekk ir-rikorrent, fi żmien sitt ijiem mill-ħruġ tal-mandat, ma jippreżentax it-talba għall-kanonizzazzjoni tal-kreditu jew pretensjoni tiegħu. Barra minn dan, ir-rikorrent ikun responsabbli għad-danni u mgħaxijiet:

Iżda jekk il-persuna li l-bastiment tagħha jew biċċa oħra tal-baħar ikunu miżmuma mit-tluq, il-kaptan, persuna oħra li jkollha l-inkarigu tiegħu, jew l-aġent, tagħti, b'nota ppreżentata fir-reġistru, il-kunsens tagħha għal żmien itwal, il-mandat jibqa' jseħħ għaż-żmien hekk imġedded.

Mandat ma jispiċċax bid-depożitu jew garanzija.

868. (1) L-effett tal-mandat maħruġ sabiex jassigura l-esekuzzjoni ta' sentenza, ma jispiċċax bid-depożitu jew bil-garanzija msemmija fl-artikolu 830, iżda biss meta jsir il-ħlas, jew id-depożitu mhux kundizzjonat fil-qorti ħieles minn kull effett ta' mandat ta' sekwestru, ta' l-ammonti dovuti skond is-sentenza magħdudin l-imgħaxijiet u spejjeż tal-qorti.

(2) L-effett ta' dan il-mandat ma jispiċċax lanqas f'każijiet oħra, kemm-il darba, barra mid-depożitu jew mill-garanzija, ma jinħatarx mandatarju regolari jew prokuratur sabiex jirrappreżenta l-bastiment jew biċċa oħra tal-baħar fil-qorti.

Kemm idum iseħħ il-mandat.

869. (1) Mandat li l-effett tiegħu ma jkunx spiċċa għal raġunijiet oħra, jibqa' jseħħ għal sena li tibda għaddejja minn dak in-nhar li jinħareġ, kemm-il darba, f'dan iż-żmien, ma jiġix mogħti lir-rikorrent, fuq rikors tiegħu, it-tiġdid taż-żmien.

(2) It-tiġdid ta' dak iż-żmien jista' jingħata iżjed minn darba waħda, iżda ma jistax jingħata għal żmien itwal minn sena kull darba.

(3) Id-digriet li bih jingħata t-tiġdid taż-żmien għandu jkun fih imsemmi sa liema ġurnata l-mandat għandu jibqa' jseħħ.

(4) Id-digriet li bih jingħata t-tiġdid taż-żmien għandu jkun innotifikat lill-persuni msemmijin fl-artikoli 856 u 857.

(5) Ebda waħda mill-persuni hekk innotifikati ma tinkorri ebda responsabbiltà jekk, wara li jagħlaq iż-żmien hawn fuq imsemmi, oriġinali jew imġedded, u qabel ma jiġi lilha nnotifikat id-digriet tat-tiġdid taż-żmien, taġixxi bħallikieku l-mandat ma baqax iseħħ.

(6) In-nuqqas ta' talba għat-tiġdid taż-żmien, mhux ta' impediment għall-ħruġ ta' mandat ġdid.

Bastimenti li ma jistgħux jiġu miżmuma mis-safar.

870. (1) Ebda mandat ma jista' jiġi maħruġ kontra bastiment jew biċċa tal-baħar mikrijin għal kollox fis-servizz tal-Gvern ta' Malta, jew inkarigati mis-servizz tal-posta jew mill-Gvern ta' Malta jew minn gvern ieħor.

(2) Ebda mandat ma jista' jinħareġ kontra bastiment tal-gwerra.

(3) Mandat ta' impediment ta' bastiment jew biċċa oħra tal-baħar għandu, meta jsir rikors mill-Awtorità Marittima ta' Malta, jitħassar jekk il-qorti tkun sodisfatta li minħabba fix-xorta tal-merkanzija, tul jew *draught* tal-bastiment jew kull ċirkostanza oħra li tolqot is-sigurtà, navigazzjoni jew manuvrar fil-port, ikun jaqbel li l-bastiment jew biċċa oħra tal-baħar għandu jitlaq mill-port mingħajr dewmien.".

Emenda ta' l-artikolu 873 tal-liġi prinċipali.

32C. Minnufih wara s-subartikolu (3) ta' l-artikolu 873 tal-liġi prinċipali għandu jidħol dan li ġej:

"(4) Jekk jiġi ppruvat permezz ta' rikors għas-sodisfazzjon tal-Qorti li wara l-ħruġ ta' mandat ta' inibizzjoni il-persuna inibita issoktat fix-xogħol jew ħatt bi ksur ta' l-ordni tal-Qorti, il-Qorti għandha, mingħajr preġudizzju dwar kull azzjoni lilha kompetenti, fuq talba tar-rikorrent, tikkundanna lill-persuna li kontriha jkun inħareġ il-mandat sabiex tirrimedja dak li ntgħamel bi ksur tiegħu u fin-nuqqas tawtorizza lir-rikorrent li jagħmel dawk ix-xogħlijiet kollha rimedjali li l-Qorti tista' tordnalu jagħmel bi spejjeż tal-persuna inibita.

(5) Mandat ta inibizzjoni jista' jintalab ukoll minn kreditur sabiex jiżgura flus dovuti lilu, jew kull pretensjoni oħra li tkun, li tammonta għal mhux anqas minn Lm4,000. L-iskop ta' dak il-mandat huwa sabiex iżomm persuna milli tbiegħ, tittrasferixxi jew tiddisponi *inter vivos* minn proprjetà b'titolu oneruż jew gratwitu: iżda dak il-mandat ma jgħoddx għall-kostituzzjoni ta' xi dritt fuq, jew trasferiment ta' proprjetà li jsir fuq xi ordni tal-qorti.

(6) Il-qorti m'għandhiex toħroġ mandat bħal dak jekk ma tkunx sodisfatta li dak il-mandat huwa meħtieġ sabiex jitħarsu l-jeddijiet tar-rikorrent, u li dak ir-rikorrent *prima facie* jidher li għandu dawk il-jeddijiet u li jekk dak il-mandat ma jinħariġx il-preġudizzju li jinħoloq ma jkollu ebda rimedju għalih:

Iżda meta l-mandat ikun maħsub li jinħareġ kontra awtorità tal-Gvern jew kontra awtorità stabbilita bil-Kostituzzjonijew kontra persuna li jkollha kariga pubblika fil-kariga uffiċjal tagħha, dak il-mandat m'għandux jinħareġ jekk l-awtorità jew il-persuna li kontriha jintalab il-mandat tiddikjara fil-pubbliku quddiem il-qorti li dak li qed jintalab li jiġi miżmum ma jkunx fil-fatt maħsub li jsir.

(7) Il-Qorti tista' għall-ewwel toħroġ dak il-mandat għal żmien qasir taħt dawk il-pattijiet u kondizzjonijiet li jidhrilha li jkunu jenħtieġu.

(8) Meta mandat jinibixxi l-bejgħ, trasferiment jew tneħħija oħra ta' proprjetà immobbli, r-rikors għandu jkun fih il-partikolaritajiet kollha li jkollhom x'jaqsmu mal-persuna li jinħareġ kontriha u li huma meħtieġa mill-liġi dwar ir-reġistrazzjoni ta' trasferiment ta' ħaġa immobbli minn dik il-persuna fir-Reġistru Pubbliku. Meta l-mandat jirreferi għal immobbli speċifiċi, dawn għandhom jiġu deskritti fir-rikors bil-mod provdut fl-Att dwar ir-Reġistru Pubbliku dwar noti ta' iskrizzjoni.

(9) Il-mandat imsemmi fis-subartikolu (8) għandu meta dan jinħareġ u bi spejjeż tar-rikorrent, jiġi notifikat mir-Reġistratur fi żmien erbgħa u għoxrin siegħa lid-Direttur tar-Reġistru Pubbliku u lir-Reġistratur ta' l-Artijiet li għandhom minnufih jiktbuh f'reġistri li jżommu għaldaqshekk. Dawn ir-reġistri għandu jkollhom indiċi u jkun jista' jarahom kulħadd. Dan il-mandat għandu jiġi notifikat ukoll lil kull min hekk jitniżżel għaldaqshekk mir-rikorrent.

(10) Malli ssir ir-reġistrazzjoni tal-mandat kif imsemmi fis-subartikolu (8) mid-Direttur tar-Reġistru Pubbliku, kull bejgħ trasferiment jew tneħħija sussegwenti ta' ħwejjeġ immobbli li għalihom ikun jirreferi l-mandat ikun null u bla ebda effett.

(11) Mingħajr ebda preġudizzju għad-dispożizzjonijiet ta' l-artikolu 836, il-mandat imsemmi fis-subartikolu (8) għandu, kemm-il darba ma jiġix revokat jew ma jibqax iseħħ aktar fi żmien qabel, jibqa' jseħħ għal żmien sitt xhur minn meta tingħata s-sentenza finali favur il-kreditur fil-kawża tiegħu biex jiġbor lura d-debitu jew il-pretensjoni msemmija fis-subartikolu (5); iżda l-qorti tista', wara li jsirilha rikors minn min ikun qed jitlob il-ħruġ tal-mandat f'dak iż-żmien ta' sitt xhur, iġġedded il-validità tal-mandat b'perijodu wieħed ieħor ta' sitt xhur. Għandu jiġi notifikat avviż ta' dak it-tiġdid, bi spejjeż tar-rikorrent, fi żmien erbgħa u għoxrin siegħa mir-Reġistratur lid-Direttur tar-Reġistru Pubbliku u lir-Reġistratur ta' l-Artijiet.".

Enumerazzjoni mill-ġdid ta' l-artikolu 875A tal-liġi prinċipali.

321. L-artikolu 875A tal-liġi prinċipali għandu jiġi enumerat mill-ġdid bħala l-artikolu 876.

Żieda ta' artikolu 877 ġdid mal-liġi prinċipali.

322. Minnufih wara l-artikolu 876 kif enumerat mill-ġdid tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:

"Mandat biex iwaqqaf persuna milli tieħu persuna ta' taħt l-età barra minn Malta.

877. (1) Mandat ta' inibizzjoni jista' wkoll jinħareġ biex iżomm persuna milli tieħu persuna ta' taħt l-età barra minn Malta.

(2) Il-mandat għandu jiġi notifikat lill-persuna jew persuni li jkollhom, jew li jista' jkollhom, il-kustodja legali jew attwali tal-persuna ta' taħt l-età u jkun jordnalhom biex ma jiħdux, jew iħallu lil xi ħadd jieħu, lil dik il-persuna ta' taħt l-età barra minn Malta.

(3) Il-mandat għandu jiġi wkoll notifikat:

(a) lill-uffiċjal inkarigat mill-ħruġ ta' passaporti b'ordni biex ma joħroġx, u/jew jikkonsenja, passaport li fih ikun hemm imdaħħal il-persuna ta' taħt l-età u biex ma jdaħħalx isem dik il-persuna taħt l-età fil-passaport tar-rappreżentanti legali tagħha jew fil-passaport ta' persuna oħra; u

(b) lill-Kummissarju tal-Pulizija b'ordni biex ma jħallix lil dik il-persuna ta' taħt l-età titlaq minn Malta.

Notifika tal-mandat.

(4) Jekk, qabel in-notifika tal-mandat lill-uffiċjal inkarigat mill-ħruġ tal-passaporti, ikun diġa' inħareġ passaport f'isem il-persuna ta' taħt l-età u/jew isem il-minorenni kien diġà mdaħħal fil-passaport ta' ħaddieħor, dak l-uffiċjal għandu jaġixxi biex jirtira l-passaport li fih tkun imdaħħla dik il-persuna ta' taħt l-età u kull passaport ieħor li fih ikun imdaħħal isem il-persuna ta' taħt l-età, u biex iħassar isem dik il-persuna minn dak il-passaport.

Xi jkun fih il-mandat.

(5) Il-mandat għandu jkun fih isem u kunjom il-persuna ta' taħt l-età u kull partikolarità oħra, inklużi id-data u l-lok tat-twelid u isem il-ġenituri meta dawn ikunu magħrufin, b'mod li min jiġi notifikat bil-mandat ikun jista' jagħraf sew min hi l-persuna ta' taħt l-età.

Disprezz lejn l-awtorità tal-qorti.

(6) Kull min ikun ġie notifikat bil-mandat u, b'mod dirett jew mhux dirett, jieħu l-persuna ta' taħt l-età, jew jippermetti li dik il-persuna tittieħed barra minn Malta, ikun ħati ta' dispezz lejn l-awtorità tal-qorti.

Notifika tad-digriet li jippro-roga l-mandat.

(7) Id-dispożizzjonijiet tas-subartikoli (1), (2), (3), (5) u (6) ta' l-artikolu 869 għandhom ikunu jgħoddu għal dak il-mandat.

(8) Id-digriet li jagħti l-proroga tal-mandat għandu jiġi notifikat lill-persuni msemmija fis-subartikoli (2) u (3) ta' dan l-artikolu.".

Sostituzzjoni ta' l-artikolu 894 tal-liġi prinċipali.

323. Minflok l-artikolu 894 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Kif għandha tingħieb il-garanzija jew kif għandha ssir oppożiz-zjoni għaliha.

894. (1) Ħlief meta l-liġi tistabbilixxi proċedura oħra il-garanzija għandha tingħieb b'nota jew b'rikors u fihom għandu jkun hemm l-isem u l-kunjom tal-garanti, il-professjoni, is-sengħa jew stat ieħor tiegħu, u l-lok fejn joqgħod jew numru tal-karta ta' l-identità jew dokument ta' identifikazzjoni uffiċjali ieħor; dawk in-nota jew ir-rikors għandhom jiġu nnotifikati lill-partijiet interessati, illi, fiż-żmien mogħti lilhom mill-qorti, skond iċ-ċirkostanzi ta' kull każ partikolari, għandhom jiddikjaraw jekk jaċċettawx jew jirrifjutawx il-garanti hekk miġjub.

(2) L-oppożizzjoni għall-garanti tista' ssir b'nota jew fit-tweġiba għar-rikors.

(3) Meta l-garanzija tingħieb fi proċeduri b'rikors jew b'ċitazzjoni, il-garanti jista' jiġi msemmi fir-rikors jew fiċ-ċitazzjoni.".

Sostituzzjoni ta' l-artikolu 897 tal-liġi prinċipali.

324. Minflok l-artikolu 897 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Kif isir ir-rifjut tal-garanzija.

897. Ir-rifjut tal-garanzija għall-ispejjeż jista' jsir mill-parti kuntrarja fit-tweġiba, jew, fil-każijiet ta' rikonvenzjoni, fir-replika. Dan ir-rifjut tal-garanzija jista' jsir ukoll bi protest, basta li, għal dawk li huma kawżi fil-qorti ta' l-ewwel grad, il-protest jiġi ppreżentat fiż-żmien stabbilit għar-replika.".

Emenda ta' l-artikolu 900 tal-liġi prinċipali.

325. Fis-subartikolu (1) ta' l-artikolu 900 tal-liġi prinċipali minflok il-kelma "ċitazzjoni" għandha tidħol il-kelma "rikors".

Emenda ta' l-artikolu 901 tal-liġi prinċipali.

326. Fl-artikolu 901 tal-liġi prinċipali minflok il-kliem "fiċ-ċitazzjoni msemmija" għandhom jidħlu l-kliem "fir-rikors imsemmi".

Emenda ta' l-artikolu 904 tal-liġi prinċipali.

327. L-artikolu 904 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "li ma rnexxilux isib garanti tajjeb" għandhom jidħlu l-kliem "li ma rnexxilux iġib dik il-garanzija meħtieġa skond il-liġi"; u

(b) fis-subartikolu (2) tiegħu, minflok il-kliem "taċ-ċitazzjoni li biha" għandhom jidħlu l-kliem "tar-rikors li bih".

Emenda ta' l-artikolu 906 tal-liġi prinċipali.

328. Minflok is-subartikolu (2) ta' l-artikolu 906 tal-liġi prinċipali għandu jidħol dan li ġej:

"(2) Jekk fil-jum stabbilit għall-kawża kif imsemmi fl-artikolu 152, l-avviż imsemmi fis-subartiklu (2) ta' l-artikolu 152 ma jkunx ġie notifikat lill-parti, lill-avukat jew lill-prokuratur legali tiegħu, u dik in-notifika tkun baqgħet ma saritx għal iktar minn xahar mid-data stabbilita għall-ewwel smiegħ tal-kawża, il-qorti għandha tiddifferixxi dik il-kawża *sine die*.".

Emenda ta' l-artikolu 909 tal-liġi prinċipali.

329. Fl-artikolu 909 tal-liġi prinċipali minflok il-kliem "kull dokument miġjub" u "dawk id-dokumenti," għandhom jidħlu l-kliem "kull dokument jew prova oħra miġjuba" u "dawk id-dokumenti jew provi oħra,".

Sostituzzjoni ta' l-artikolu 911 tal-liġi prinċipali.

330. Minflok l-artikolu 911 tal-liġi prinċipali għandu jidħol dan li ġej:

"Għajnuna legali bla ħlas.

911. (1) It-talba għall-benefiċċju sabiex wieħed iħarrek jew jiddefendi ruħu bil-benefiċċju ta' għajnuna legali f'kull qorti msemmija fl-artikoli 3 u 4 ta' dan il-Kodiċi u quddiem kull tribunal ieħor fejn il-benefiċċju ta' għajnuna legali bla ħlas huwa mogħti skond il-liġi, għandha ssir b'rikors fil-Prim'Awla tal-Qorti Ċivili.

(2) Iżda, dik it-talba tista' wkoll issir bil-fomm lill-Avukat għal Għajnuna Legali.

(3) Id-digriet li bih jingħata l-benefiċċju ta' l-għajnuna legali għandu jkun jgħodd għall-qrati kollha u għal kull tribunal imsemmi fis-subartikolu (1) ta' dan l-artikolu.

(4) L-Avukat għal Għajnuna Legali għandu jagħti servizz professjonali lil kull min iqis li għandu jedd għall-benefiċċju ta' għajnuna legali, u qabel ma huma jiksbu dan il-benefiċċju, iħejji u jippreżenta kull att ġudizzjarju li jista' jkun ta' xorta urġenti. Għandha tiġi segwita din il-proċedura li ġejja:

(a) l-Avukat għal Għajnuna Legali għandu jippreżenta rikors fil-qorti kompetenti magħmul f'ismu fejn jitlob li jiġi awtorizzat jippreżenta atti ġudizzjarji speċifiċi f'isem persuna jew persuni li jkunu qed jitolbu l-għajnuna legali, billi huwa jqis il-kwistjoni bħala waħda urġenti;

(b) il-qorti kompetenti għandha mbagħad tilqa' dik it-talba sakemm ma jkunx hemm raġunijiet serji għaliex ma għandhiex tagħmel dan;

(ċ) wara li l-atti ġudizzjarji jitħallew jiġu preżentati, l-Avukat għal Għajnuna Legali għandu jimxi skond il-proċedura normali li twassal għall-ħatra ta' avukat u prokuratur legali *ex officio* skond ma hemm provdut f'dan it-Titolu, jew li dawn ma jinħatrux:

Iżda jekk il-Prim'Awla tal-Qorti Ċivili sussegwentement teskludi l-benefiċċju għal għajnuna legali, dan ma jġibx in-nullità ta' xi att ġudizzjarju li jkun ġie preżentat b'dak il-benefiċċju iżda għandu biss itemm għaż-żmien ta' wara l-benefiċċju ta' l-għajnuna legali mogħti kif imsemmi qabel, u l-qorti tista' tordna li min ikun tneħħielu dak il-benefiċċju jkollu jħallas l-ispejjeż kollha li jkunu saru.

(5) Għandu jkun hemm Avukat għal Għajnuna Legali li jkun responsabbli għad-Dipartiment għal Għajnuna Legali.

(6) Għall-finijiet ta' dan il-Kodiċi, il-kliem "Avukat għal Għajnuna Legali" ifissru l-Avukat għal Għajnuna Legali u jinkludu lil kull uffiċjal fid-Dipartiment għal Għajnuna Legali maħtur mill-Avukat għal Għajnuna Legali jew kull uffiċjal pubbliku maħtur mill-Ministru responsabbli għall-ġustizzja biex iwettaq għan partikolari jew għadd speċifiku ta' għanijiet li għandhom jitwettqu mill-Avukat għal Għajnuna Legali.".

Sostituzzjoni ta' l-artikolu 912 tal-liġi prinċipali.

331. Minflok l-artikolu 912 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Kondizzjonijiet sabiex jingħata l-benefiċċju ta' għajnuna legali.

912. Ebda talba bħal dik imsemmija fl-artikolu 911 ma tintlaqa' sakemm ir-rikorrent ma jaħlifx, meta jsir rikors, quddiem ir-reġistratur, u meta ssir talba bil-fomm, quddiem l-Avukat għal Għajnuna Legali —

(a) illi hu jidhirlu li għandu jedd tajjeb biex iħarrek jew jiddefendi ruħu, jew li jkompli jew ikun parti fi proċedimenti; u

(b) illi, minbarra l-oġġett fil-kawża, hu ma għandu ebda xorta ta' proprjetà li l-valur nett tagħhom jammonta għal mhux aktar minn tlett elef lira Maltija,

jew dik is-somma li l-Ministru responsabbli għall-ġustizzja minn żmien għal ieħor jista' b'ordni fil-Gazzetta jiffissa, bla ma jitqiesu dawk l-oġġetti tad-dar ta' kuljum li huma raġonevolment meħtieġa għall-użu tar-rikorrent u tal-familja tiegħu, u li l-qliegħ tiegħu fis-sena huwa inqas mill-paga minima nazzjonali stabbilita għal persuni li jkunu għalqu t-tmintax-il sena, jew dik is-somma li l-Ministru responsabbli għall-ġustizzja minn żmien għal ieħor jista' b'ordni fil-Gazzetta jiffissa:

Iżda fil-kalkolu tal-valur nett imsemmi, ma għandu jittieħed ebda qies tar-residenza prinċipali tar-rikorrent jew ta' kull proprjetà oħra, immobbli jew mobbli, li dwarha jkun hemm kwistjoni fil-qorti, ukoll jekk dik il-proprjetà l-oħra ma tkunx tagħmel parti mill-kwistjoni li dwarha jkun hemm proċeduri li għalihom ikun qiegħed jintalab il-benefiċċju ta' għajnuna legali:

Iżda wkoll, fil-kalkolu tal-qliegħ iż-żmien ta' komputazzjoni għandu jkun il-perijodu ta' tnax-il xahar li jiġu qabel it-talba għall-benefiċċju ta' għajnuna legali.".

Emenda ta' l-artikolu 914 tal-liġi prinċipali.

332. L-artikolu 914 tal-liġi prinċipali għandu jiġi emendat kif ġej:—

(a) minflok is-subartikolu (1) tiegħu għandu jidħol dan is-subartikolu ġdid li ġej:—

"(1) Meta t-talba ssir b'rikors, il-Prim'Awla tal-Qorti Ċivili tibgħat dan ir-rikors lill-Avukat għal Għajnuna Legali sabiex jeżaminaha sommarjament u jirrapportalha jekk ir-rikorrent għandux raġunijiet tajba biex jibda proċedimenti jew biex jagħmel difiża tiegħu innifsu, u meta t-talba ssir bil-fomm lill-Avukat għal Għajnuna Legali, dan għandu jgħaddi dritt għal dak l-eżami u rapport:

Iżda, dak l-eżami ma jkunx meħtieġ meta t-talba biex jingħata l-benefiċċju ta' għajnuna legali ssir mill-konvenut fil-qorti ta' l-ewwel grad, jew mill-appellat fil-qorti fi grad ta' appell, u dan il-konvenut jew appellat għandu dejjem jingħata li jiddefendi ruħu b'dak il-benefiċċju wara li jieħu l-ġurament preskritt fl-artikolu 912.";

(b) minflok is-subartikolu (3) għandu jidħol dan is-subartikolu ġdid li ġej:—

"(3) Meta l-Avukat għal Għajnuna Legali jidhirlu li hu meħtieġ li jisma' xhieda, hu għandu jitlob lill-Qorti Ċivili, Prim'Awla, sabiex dawn ix-xhieda jiġu mħarrkin biex jidhru quddiemu."; u

(ċ) fis-subartikolu (6) tiegħu minflok il-kliem "il-qorti," għandhom jidħlu l-kliem "il-Prim'Awla tal-Qorti Ċivili,".

Emenda ta' l-artikolu 915 tal-liġi prinċipali.

333. Fis-subartikolu (4) ta' l-artikolu 915 tal-liġi prinċipali minflok il-kliem "il-qorti." għandhom jidħlu l-kliem "il-Prim'Awla tal-Qorti Ċivili.".

Emenda ta' l-artikolu 916 tal-liġi prinċipali.

334. Fl-artikolu 916 tal-liġi prinċipali minflok il-kliem "lill-qorti," għandhom jidħlu l-kliem "lill-Prim'Awla tal-Qorti Ċivili,".

Sostituzzjoni ta' l-artikolu 917 tal-liġi prinċipali.

335. Minflok l-artikolu 917 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Digriet li bih tiġi milqugħa jew miċħuda t-talba għall-għajnuna legali.

917. Meta r-rapport ta' l-Avukat għal Għajnuna Legali jkun favur ir-rikorrent, dan jiġi ammess għall-benefiċċju li jkun talab; iżda jekk ir-rapport ikun kuntrarju, dan għandu jiġi eżaminat mill-Prim'Awla tal-Qorti Ċivili li tagħti liż-żewġ partijiet l-opportunità li jagħmlu s-sottomissjonijiet tagħhom, qabel ma tiddeċiedi jekk għandhiex taċċetta r-rapport kuntrarju jew li tiċħad ir-rapport u tilqa' t-talba.".

Emenda ta' l-artikolu 918 tal-liġi prinċipali.

336. Fl-artikolu 918 tal-liġi prinċipali minflok il-kliem "Il-qorti" u "din il-parti ma jista' jkollha ebda avukat jew prokuratur legali ieħor:" għandhom jidħlu l-kliem "Il-Prim'Awla tal-Qorti Ċivili" u "din il-parti jista' jkollha, għal raġuni tajba, titlob lill-qorti permezz ta' l-Avukat għal Għajnuna Legali li tissostitwixxi lill-avukat jew prokuratur legali b'avukat jew prokuratur legali ieħor ta' l-elenku:" rispetivament, u minflok il-kliem "maħtura għaliha qabel kif ġa ingħad" fil-proviso li hemm ma' l-artiklu għandhom jidħlu l-kliem "maħtura għaliha kif ġa ingħad".

Sostituzzjoni ta' l-artikolu 923 tal-liġi prinċipali.

337. Minflok l-artikolu 923 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Meta jista' jitneħħa l-benefiċċju.

923. (1) Il-Prim'Awla tal-Qorti Ċivili għandha tneħħi dak il-benefiċċju lill-persuna li tkun ingħatat li timxi bil-benefiċċju ta' għajnuna legali meta jiġi ppruvat illi kellha kapital jew qliegħ li kien aktar minn dak stabbilit għall-għoti ta' l-għajnuna legali.

(2) Jekk jiġi pruvat li dik il-persuna xjentement kellha dak il-kapital jew qliegħ meta kienet ingħatat il-benefiċċju ta' l-għajnuna legali jew inkella illi xjentement dik il-persuna kellha dak il-kapital jew qliegħ iktar minn dak stabbilit għall-għoti ta' l-għajnuna legali iżda dan baqa' ma ġiex rappurtat minnha lill-Prim'Awla tal-Qorti Ċivili, din l-istess Qorti tista' tikkundanna lill-parti bħala ħatja ta' disprezz għall-awtorità tal-qorti:

Iżda l-imsemmija Qorti ma għandha tagħmel ebda proċedimenti għal disprezz għall-awtorità tal-qorti meta jkunu jistgħu jinbdew proċedimenti legali għal ġurament falz kontra dik il-persuna, u l-qorti msemmija tkun ordnat li dik il-persuna għandha tiġi minnufih arrestata, u tibgħat kopja ta' l-atti mingħajr dewmien u permezz tar-reġistratur lill-Qorti tal-Maġistrati, sabiex ikunu jistgħu jinbdew proċedimenti skond il-liġi.

(3) Il-Prim'Awla tal-Qorti Ċivili għandha wkoll tneħħi dak il-beneficċju lil dak ir-rikorrent li jkun qiegħed jillitiga b'mod vessatorju.

(4) Fil-każijiet kollha li fihom ir-rikorrent għall-għajnuna legali ikun tneħħielu dak il-beneficċju, huwa jkun personalment responsabbli għall-ispejjeż kollha tal-proċedimenti li kien ikollu jbati li kieku ma kienx ingħatalu dak il-beneficċju ta' għajnuna legali.".

Emenda ta' l-artikolu 924 tal-liġi prinċipali.

338. Fl-artikolu 924 tal-liġi prinċipali minflok il-kliem "il-qorti" għandhom jidħlu l-kliem "il-Prim'Awla tal-Qorti Ċivili".

Sostituzzjoni ta' l-artikolu 925 tal-liġi prinċipali.

339. Minflok l-artikolu 925 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:—

"Dmirijiet ta' avukat jew prokuratur legali.

925. (1) L-avukat jew prokuratur legali assenjat lil min jingħata l-beneficċju ta' l-għajnuna legali għandu:

(a) jaġixxi fl-aħjar interess ta' min ikun ingħata l-beneficċju ta' l-għajnuna legali;

(b) jidher fil-qorti meta tissejjaħ il-kawża ta' min ikun ingħata l-beneficċju ta' l-għajnuna legali;

(ċ) jagħmel is-sottomissjonijiet neċessarji u jippreżenta n-noti meħtieġa, ċitazzjonijiet, noti ta' l-eċċezzjonijiet, avviżi, rikorsi, u kull skrittura oħra hekk kif jenħtieġ skond iċ-ċirkostanzi.

(2) L-avukat jew il-prokuratur legali jibqgħu responsabbli għal kawża lilu assenjata kif imsemmi qabel sakemm din tkun ġiet definittivament konkluża, ukoll jekk ikun skada iż-żmien tal-ħatra tiegħu.".

Tħassir ta' l-artikoli 926, 927 u 928 tal-liġi prinċipali.

340. L-artikoli 926, 927 u 928 tal-liġi prinċipali għandhom jitħassru.

Emenda ta' l-artikolu 929 tal-liġi prinċipali.

341. Minflok il-paragrafu (d) ta' l-artikolu 929 tal-liġi prinċipali għandu jidħol dan il-paragrafu ġdid li ġej:—

"(d) fl-interess ta' kull soċjetà kummerċjali reġistrata jew Kap. 168. stabbilita taħt l-Ordinanza dwar Soċjetajiet Kummerċjali jew kull liġi oħra li tissostitwixxi l-istess Ordinanza jew kull għaqda ta' persuni jew organizzazzjoni oħra jekk il-persuna jew il-persuni li jkunu mogħtija r-rappreżentanza tas-soċjetà jew ta' l-għaqda jew ta' l-organizzazzjoni jkunu assenti minn Malta jew jekk ebda persuna jew persuni kif imsemmija, jew biżżejjed persuni ma jkunu mogħtija dik ir-rappreżentanza:".

Emenda ta' l-artikolu 931 tal-liġi prinċipali.

342. Fis-subartikoli (2) u (3) ta' l-artikolu 931 tal-liġi prinċipali minnufih wara l-kliem "Kopja ta' dawn il-bandi" u "kopja tal-bandi" rispettivament għandhom jidħlu l-kliem "flimkien ma' kopja ta' l-iskrittura jew verżjoni qasira tagħha".

Emenda ta' l-artikoli 932 u 934 tal-liġi prinċipali.

343. Fis-subartikolu (1) ta' l-artikolu 932 u fl-artikolu 934 tal-liġi prinċipali minflok il-kliem "fi żmien erbat ijiem" u "fiż-żmien ta' erbat ijiem" rispettivament għandhom f'kull każ jidħlu l-kliem "fi żmien sitt ijiem".

Sostituzzjoni ta' l-artikolu 936 tal-liġi prinċipali.

344. Minflok l-artikolu 936 tal-liġi prinċipali għandu jidħol dan l-artikolu li ġej:—

"Dmirijiet tal-kuratur.

936. (1) Il-kuraturi għandhom jagħmlu l-ħila tagħhom kollha għad-difiża ta' l-interessi li għalihom ikunu jidhru. Id-dmirijiet tal-kuraturi għandhom jinkludu dan li ġej:

(a) li jinvestigaw sewwa dwar il-jeddijiet tal-persuni li jirrappreżentaw u li jidentifikaw dawn il-jeddijiet;

(b) li jieħdu l-miżuri kollha meħtieġa biex jittutelaw il-jeddijiet imsemmija qabel;

(ċ) li jikkuntattjaw minnufih lill-persuna jew persuni li jkunu qed jirrappreżentaw, jekk l-indirizz ikun magħruf, u jekk mhux magħruf għandhom jagħmlu dak kollu li jistgħu jagħmlu biex isiru jafu l-indirizzi tagħhom, magħduda l-pubblikazzjoni bl-awtorità tal-qorti ta' avviż f'gazzetta tal-lokal fejn l-aħħar kien magħruf jew kienu magħrufin;

(d) li jgħarrfu lill-persuna jew persuni li jkunu qed jirrappreżentaw b'kull att ġudizzjarju u x'ikun fih;

(e) li jiksbu t-tagħrif kollu meħtieġ sabiex jiddefendu kull interess tal-persuna jew persuni li jkunu jirrappreżentaw;

(f) li jkomplu jittutelaw l-interessi tal-persuna jew persuni li jirrappreżentaw dwar kull ħaġa pendenti minkejja li ż-żmien tal-ħatra taħt l-artikoli 89 jew 90 jista' jkun skada; u

(ġ) li jżommu lill-qorti regolarment mgħarrfa b'kull azzjoni meħuda fit-twettiq tad-dmirijiet tagħhom.

(2) Il-kuraturi għandhom iwieġbu għal kull danni u imgħaxijiet li jista' jkun hemm minħabba t-traskuraġni tagħhom.".

Sostituzzjoni ta' l-artikolu 938 tal-liġi prinċipali.

345. Minflok l-artikolu 938 tal-liġi prinċipali għandu jidħol dan l-artikolu ġdid li ġej:

"Ħlas li jmiss lill-kuraturi.

938. Il-kuraturi maħtura mill-elenku għandhom jedd għall-ispejjeż meħtieġa magħmulin minnhom u għall-ħlas tad-drittijiet lilhom spettanti rispettivament li, skond it-Tariffi fl-Iskeda A li hawn ma' dan il-Kodiċi, soltu jmisshom l-avukat u l-prokuratur legali fil-kawża:

Iżda l-qorti tista' fuq talba tal-kuratur tordna li jitħallas ammont proviżorju akkont tiegħu u bil-quddiem lill-kuratur mill-persuna li tkun qegħda titlob il-ħatra tiegħu sabiex minnu jitħallsu l-ispejjeż li l-kuratur jindika li jkun ser jagħmel:

Iżda wkoll meta l-qorti tneħħi kuratur fil-każ ta' mġieba ħażina jew negliġenza skond id-dispożizzjonijiet ta' l-artikolu 96, il-qorti għandha tordna li ebda drittijiet kif imsemmija qabel ma għandhom jitħallsu lill-kuratur, jew li jitħallas biss sehem speċifikat minnhom, mingħajr preġudizzju għal kull dritt ieħor li jkollha l-persuna li kien qed jirrappreżenta għal danni li tkun ġarrbet.".

Sostituzzjoni ta' ta' l-artikolu 945 tal-liġi prinċipali.

346. Minflok l-artikolu 945 tal-liġi prinċipali għandu jidħol dan li ġej:—

"Dmirijiet tar-reġistratur dwar żbank ta' flus.

945. (1) Meta depożitu jiġi żbankat, kollu jew biċċa minnu, b'akkont jew b'saldu ta' kreditu li jkun ġej minn sentenza, jew minn att pubbliku ieħor, jew minn deċiżjoni ta' arbitri magħmula u iddepożitata kif ingħad fit-Titolu XVI tat-Tielet Ktieb ta' dan il-Kodiċi, ir-reġistratur għandu, fuq talba u bi spejjeż ta' kull min ikollu interess jagħmel nota ta' dak l-iżbank fil-ġenb tas-sentenza jew tad-deċiżjoni ta' l-arbitri, u jibgħat nota ta' dak l-iżbank lin-nutar jew uffiċjal ieħor li jkun irċieva l-att ta' dak il-kreditu jew li tiegħu jkun il-konservatur.

Tnaqqis u tħassir ta' jeddijiet ta' preferenza leġittimi.

(2) Meta il-kreditu msemmi fis-subartikolu (1) ta' dan l-artikolu huwa mqiegħed fiż-żgur minn xi wieħed mill-jeddijiet ta' preferenza imsemmija fl-artikolu 1996 tal-Kodiċi Ċivili, kull parti li jkollha interess tista' ġġib fis-seħħ it-tnaqqis jew it-tħassir tar-reġistrazzjoni relattiva bil-mod provdut fl-artikoli 2065 u 2066 tal-Kodiċi imsemmi qabel. In-nota relattiva għandha tiġi ffirmata minn min ikun jeħtieġ li din tiġi reġistrata jew minn avukat, nutar jew prokuratur legali.

X'inhu aktar meħtieġ għar-reġistrazzjoni.

(3) Ikun meħtieġ qabel ma ssir ir-reġistrazzjoni li tintehmeż man-nota ta' tnaqqis jew tħassir kopja awtentikata tan-nota ta' żbank imsemmija fis-subartikolu (1) ta' dan l-artikolu.".

Emenda ta' l-artikolu 946 tal-liġi prinċipali.

347. Fis-subartikolu (1) ta' l-artikolu 946 tal-liġi prinċipali minflok il-kliem "pretensjoni, b'libell jew b'ċitazzjoni, dwar" għandhom jidħlu l-kliem "pretensjoni b'ċitazzjoni dwar".

Tħassir ta' l-artikoli 952 sa 959 tal-liġi prinċipali.

348. L-artikoli 952 sa 959 tal-liġi prinċipali għandhom jitħassru.

Emenda ta' l-artikolu 962 tal-liġi prinċipali.

349. Fl-artikolu 962 tal-liġi prinċipali il-kliem "bil-libell jew" għandhom jitħassru.

Emenda ta' l-artikolu 963 tal-liġi prinċipali.

350. Fis-subartikolu (2) ta' l-artikolu 963 tal-liġi prinċipali minflok il-kliem "tal-libel," u "tal-petizzjoni" għandhom jidħlu l-kliem "taċ-ċitazzjoni," u "tar-rikors ta' l-appell" rispettivament.

351. Minflok is-subartikolu (2) ta' l-artikolu 964 tal-liġi prinċipali għandu jidħol dan li ġej:— Emenda ta' l-artikolu 964 tal-liġi prinċipali.

"(2) Ir-reġistratur għandu jagħmel u jippubblika listi separati tal-kawżi hekk pendenti f'kull waħda mill-Qrati Superjuri, jiġifieri, fil-Prim'Awla tal-Qorti Ċivili, fil-Qorti ta' l-Appell u fil-Qorti Kostituzzjonali. Listi bħal dawn għandhom ukoll isiru u jiġu pubblikati mir-reġistratur fil-każ ta' kawżi pendenti quddiem il-Qorti tal-Maġistrati (Għawdex) fil-kompetenza tagħha superuri.".

352. L-artikolu 965 tal-liġi prinċipali għandu iġi emendat kif ġej: Emenda ta' l-artikolu 965 tal-liġi prinċipali.

(a) il-paragrafi (b), (ċ) u (d) tiegħu għandhom jiġu rispettivament enumerati mill-ġdid bħala l-paragrafi (ċ), (d) u (e);

(b) minnufih wara l-paragrafu (a) tiegħu għandu jidħol dan il-paragrafu ġdid li ġej:

"(b) jekk meta l-kawża tkun ġiet sospiża b'konsegwenza tal-fatt li l-attur jew l-appellant ma jkunux ġew notifikati bil-jum stabbilit għall-kawża, ebda waħda mill-partijiet ma tkun għamlet l-azzjoni meħtieġa sabiex is-smiegħ tal-kawża jinbeda jew jitkompla bil-preżentata tar-rikors relattiv b'nota mehmuża miegħu fejn tindika l-aħħar indirizz magħruf ta' l-attur jew ta' l-appellant, liema nota għandha tkun konfermata bil-ġurament mir-rikorrent; jew"; u

(ċ) minflok il-kliem "fil-paragrafu (a) jew (b) jew (ċ) ta' hawn fuq," fil-paragrafu (e) kif enumerat mill-ġdid għandhom jidħlu l-kliem "fil-paragrafu (a) jew (b) jew (ċ) jew (d) ta' hawn fuq,".

353. Fil-paragrafu (ċ) tas-subartikolu (2) ta' l-artikolu 970 tal-liġi prinċipali minflok il-kliem "l-atti jitqiesu li ġew irtirati mill-ġurisdizzjoni ta' dik il-qorti; iżda ma jingħabru ebda drittijiet tar-reġistru dwar dik il-kawża li ma tkomplietx;" għandhom jidħlu l-kliem "jitqies li l-azzjoni tkun waqfet;". Emenda ta' l-artikolu 970 tal-liġi prinċipali.

354. Fl-artikolu 1000 tal-liġi prinċipali u fin-nota marġinali tiegħu, minflok il-kliem "ma tistax" għandhom jidħlu l-kliem "tista'". Emenda ta' l-artikolu 1000 tal-liġi prinċipali.

355. Minnufih wara l-artikolu 1003 tal-liġi prinċipali għandu jiżdied dan l-artikolu 1003A ġdid li ġej:— Żieda ta' l-artikolu 1003A tal-liġi prinċipali.

"Ir-Reġistratur jitqies bħala attur fi proċedimenti għal disprezz.

1003A. F'kull proċediment għal disprezz lejn l-awtorità tal-qorti, ir-Reġistratur għandu jibda, kif jiġi ordnat mill-Qorti, il-proċedimenti meħtieġa u għall-finijiet u effetti kollha tal-liġi huwa għandu jitqies bħala l-attur.".

356. Minnufih wara l-artikolu 1009 tal-liġi prinċipali għandu jidħol l-artikolu 1009A li ġej: Żieda ta' l-artikolu 1009A ġdid mal-liġi prinċipali.

"Proċeduri b'mezzi elettroniċi.

1009A. Il-Ministru responsabbli għall-ġustizzja jista' jagħmel regolamenti li jipprovdu għal jew jippermettu —

(i) l-għemil ta' atti ġudizzjarji permezz ta' tagħmir elettroniku,

(ii) it-trasmissjoni u n-notifika permezz ta' mezzi elettroniċi,

dwar atti ġudizzjarji, proċedimenti tal-qorti, dokumentazzjoni u notifiki, u mingħajr preġudizzju għall-ġeneralità ta' dak imsemmi qabel, dawk ir-regolamenti jistgħu jipprovdu għal —

(a) l-għamla ta' atti ġudizzjarji li jintgħamlu b'mezzi elettroniċi;

(b) it-trasmissjoni, preżentata u notifika ta' atti, b'tagħmir elettroniku u dwar il-mod kif dawk il-modifiki għandhom jiġu dokumentati bi prova;

(ċ) żamma ta' *records* tal-qorti b'mezzi elettroniċi u l-mod kif dawk ir-*records* għandhom jiġu awtentikati u kif għandhom jinħarġu kopji minnhom u jiġu awtentikati;

(d) id-drittijiet li jistgħu jintalbu għar-rigward ta' l-użu ta' dawk il-mezzi elettroniċi għar-rigward ta' l-għemil, trasmissjoni, preżentata jew notifika ta' atti ġudizzjarji, u għall-għemil ta' kopji ta' *records* tal-qorti; u

(e) kull ħaġa oħra konsegwenzjali jew inċidentali għal dan inklużi dawk id-dispożizzjonijiet transitorji li l-Ministru jistgħu jidhrulu li jkunu meħtieġa jew spedjenti u li għandhom x'jaqsmu ma' dan kollu.".

Emendi ġenerali għal-liġi prinċipali.

357. Fil-liġi prinċipali kull fejn jinsabu:

(a) minflok il-kliem "Qorti tal-Kummerċ" għandhom jidħlu l-kliem "Qorti Ċivili, Prim'Awla,";

(b) minflok il-kliem "Qorti tal-Maġistrati tal-Pulizija Ġudizzjarja għall-Gżira ta' Malta" għandhom jidħlu l-kliem "Qorti tal-Maġistrati (Malta)";

(ċ) minflok il-kliem "Qorti tal-Maġistrati tal-Pulizija Ġudizzjarja għall-Gżejjer ta' Għawdex u ta' Kemmuna" għandhom jidħlu l-kliem "Qorti tal-Maġistrati (Għawdex)";

(d) minflok il-kliem "Qorti tal-Maġistrati tal-Pulizija Ġudizzjarja" għandhom jidħlu l-kliem "Qorti tal-Maġistrati"; u

(e) minflok il-kliem "reġistratur tal-Qrati Superjuri" għandhom jidħlu l-kliem "Reġistratur tal-Qrati".

Emenda ta' l-Iskeda B li tinsab mal-liġi prinċipali.

358. Fil-parti tar-rikors, jiġifieri fl-ewwel faċċata, tal-formula Nru. 12/Nru. 13 li hemm fl-Iskeda B li tinsab mal-liġi prinċipali, minflok il-kliem minn "ġġib magħha d-dokumenti." sa "Prokuratur Legali" għandu jidħol dan li ġej:

"ġġib magħha d-dokumenti msemmija aktar 'l isfel.

Isem u indirizz tal-persuna biex titħarrek b'xhud:

Dokumenti li għandha ġġib magħha:

Jum u ħin li fih għandha tidher u fejn:

Avukat Prokuratur Legali".

Żieda ta' Skeda Ċ ġdida mal-liġi prinċipali.

359. Din l-Iskeda Ċ ġdida li ġejja għandha tiżdied wara l-Iskeda B li hemm mal-liġi prinċipali:

"SKEDA C
(Artikolu 249)

(1) ..... Bank Ltd. jidħol bħala garanti solidali tal-appellant (2) ..... għall-ispejjeż tal-appell fil-kawża (3) ..... sa l-ammont ta' (4) ..... liri Maltin (Lm) u dan għall-fini u skond it-termini tal-artikolu 249 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Cap. 12.

Din il-garanzija tibqa' sseħħ sa sitt xhur minn meta l-imsemmi appell jiġi deċiż, jew jiġi ċedut jew imur dežert u għalhekk tispiċċa jekk ma jkun hemm l-ebda talba bil-miktub dwarha fl-imsemmi żmien ta' sitt xhur.

Qabel ma jagħmel xi ħlas taħt din il-garanzija l-Bank jista' jitlob li jinġieb ċertifikat tar-Reġistratur li juri d-data ta' meta l-appell ikun ġie deċiż, ċedut jew dežert, kif ukoll id-dokumentazzjoni neċessarja għall-prova tat-talba għall-ħlas.

Illum ta' 19

(5) .....
għall- Bank Ltd.

(1) Isem tal-Bank garanti
(2) Dettalji ta' l-appellant
(3) Okkju tal-kawża appellata
(4) Ammont tal-garanzija
(5) Firmatarju għall-Bank".

Emenda tal-liġijiet fl-Iskeda.

360. Il-liġijiet imsemmija fl-Ewwel Kolonna ta' l-Iskeda li tinsab ma' dan l-Att għandhom iseħħu skond l-emendi magħmulin fit-Tieni Kolonna ta' dik l-Iskeda.

Thassir ta' l-Att dwar Assistenti Ġudizzjarji u Xiehda b'*Affidavit*, Kap. 309.

361. (1) L-Att dwar Assistenti Ġudizzjarji u Xiehda b'*Affidavit* għandu jiġi mħassar.

(2) L-Assistenti Ġudizzjarji maħtura taħt l-Att imħassar bis-subartikolu (1) ta' dan l-artikolu għandhom jitqiesu li ġew maħtura taħt il-liġi prinċipali kif emendata b'dan l-Att, u kull *affidavit* jew att ieħor li sar bis-saħħa jew taħt id-dispożizzjonijiet ta' dak l-Att u kull ħaġa magħmula bis-saħħa ta' dak l-Att, għandu jibqa' jgħodd daqslikieku sar bis-saħħa jew taħt id-dispożizzjonijiet tal-liġi prinċipali kif emendata b'dan l-Att.

Dispożizzjonijiet transitorji.

362. (1) Bla ħsara għad-dispożizzjonijiet ta' dawn is-subartikoli ta' dan l-artikolu li ġejjin, id-dispożizzjonijiet tal-liġi prinċipali kif emendati b'dan l-Att u d-dispożizzjonijiet tal-liġijiet imsemmija fl-Iskeda li tinsab ma' dan l-Att kif emendati b'dan l-Att, għandhom jgħoddu għall-proċeduri kollha li jkunu pendenti quddiem xi qorti jew tribunal li għalihom jgħoddu dak il-Kodiċi jew dawk il-liġijiet, u li f'dik id-data jkunu għadhom pendenti u ma għaddewx f'ġudikat.

(2) Ebda ħaġa fis-subartikolu (1) ta' dan l-artikolu ma għandha tħassar xi proċedura sew bil-miktub jew bil-fomm li setgħet saret qabel id-dħul fis-seħħ ta' dan l-Att u li kienet valida skond il-liġi kif kienet fis-seħħ fid-data meta dik il-ħaġa tkun saret.

(3) Id-dispożizzjonijiet ta' l-artikoli 156, 157 u 158 tal-liġi prinċipali kif emendati b'dan l-Att, dwar is-smiegħ ta' kawżi, id-determinazzjoni ta' punti ta' fatt u ta' liġi, u kif jinġiebu l-provi, għandhom jiġu applikati mill-qrati wkoll rigward kawżi li ġa jinsabu pendenti quddiem il-qrati fid-data tad-dħul fis-seħħ ta' dan l-Att b'dawk il-modifiki li l-qorti tista' fiċ-ċirkostanzi tqis meħtieġa, u meta kawża tkun qegħda f'dik id-data pendenti quddiem assistent ġudizzjarju jew perit legali għal kull raġuni li tkun, il-qorti għandha għall-finijiet ta' dan is-subartikolu tagħti dawk l-ordnijiet li tista' tqis li huma meħtieġa sabiex tassigura li jekk il-każ jitkompla quddiem il-perit legali jew assistent ġudizzjarju, l-istess proċeduri fl-artikoli 156, 157 u 158 imsemmija għandhom *mutatis mutandis* jiġu applikati mill-perit legali jew mill-assistent ġudizzjarju skond il-każ:

Iżda ma għandu jkun hemm ebda appell minn ordni mogħtija minn qorti taħt dan is-subartikolu ħlief flimkien ma' appell fuq il-meriti tal-kawża.

(4) Mandat maħruġ qabel id-dħul fis-seħħ ta' dan l-Att għandu jibqa' validu minkejja kull ħaġa li tinsab f'dan l-Att, iżda dan għandu biss jiġġedded meta jiskadi jekk dan jista' jinħareġ jew jiġġedded skond ma hemm fil-liġi prinċipali kif jinsab emendat b'dan l-Att:

Iżda mandat ta' impediment tas-safar kontra persuna ma għandux jibqa' jseħħ għal iktar minn xahar kalendarju wieħed wara d-dħul fis-seħħ ta' dan l-Att.

(5) Qorti li kienet qed tieħu konjizzjoni ta' kawża qabel id-dħul fis-seħħ ta' dan l-Att tibqa' kompetenti li tittratta dak il-każ ukoll jekk dik il-qorti tista', skond il-Kodiċi kif emendat b'dan l-Att, ma tkunx kompetenti *ratione valoris*.

(6) Dawk il-kawżi li mad-dħul fis-seħħ ta' dan l-Att ikunu pendenti quddiem il-Qorti tal-Kummerċ jew quddiem il-Qorti tal-Maġistrati (Għawdex) fil-kompetenza superjuri kummerċjali tagħha, għandhom mad-dħul fis-seħħ ta' dan l-Att, jitkomplew quddiem il-Prim'Awla tal-Qorti Ċivili u quddiem il-Qorti tal-Maġistrati (Għawdex) fil-kompetenza superjuri tagħha rispettivament.

(7) L-emendi magħmulin b'dan l-Att fil-Kodiċi Kriminali għandhom ikunu jgħoddu wkoll għal kull proċedimenti pendenti quddiem qorti ta' ġurisdizzjoni kriminali fid-data tad-dħul fis-seħħ ta' dan l-Att u minkejja kull sentenza fuq dawk il-proċedimenti li tkun għadha ma għaddietx f'ġudikat.

(8) F'kull liġi, kull referenza għall-"Qorti tal-Kummerċ" u għar-"Reġistratur tal-Qrati Superjuri" għandha rispettivament titqies bħala referenza għall-"Prim'Awla tal-Qorti Ċivili" u għar-"Reġistratur tal-Qrati".

(9) Il-Ministru responsabbli għall-ġustizzja jista' jagħmel regolamenti biex jemenda kull liġi b'mod li kull referenza fiha għall-Qrati, għar-Reġistratur u għal kull uffiċjal tal-qrati li tkun tidher fiha bi qbil mal-kariga tagħhom fil-liġi prinċipali jew f'kull leġislazzjoni oħra kif fis-seħħ minnufih qabel il-bidu fis-seħħ ta' dan l-Att, għandha minflokha tidħol referenza li tkun l-istess bħalma l-kariga tagħhom tkun ġiet emendata b'dan l-Att jew bl-Att li jbiddel l-isem tal-Qrati Inferjuri. Kap. 340.

(10) Meta mal-bidu fis-seħħ ta' dan l-Att ikun hemm pendenti quddiem xi qorti każ li jkun ilu hekk pendenti għal żmien għaxar snin, il-qorti għandha tagħti prijorità lis-smigħ ta' dik il-kawża sabiex dak il-każ jiġi deċiż u maqtugħ mhux aktar tard minn sena mill-bidu fis-seħħ ta' dan l-Att.

(11) (a) Id-dispożizzjonijiet ta' l-artikoli 466, 467 u 468 tal-liġi prinċipali kif kienu fis-seħħ qabel id-dħul fis-seħħ ta' dan l-Att għandhom jibqgħu japplikaw dwar kull mandat ta' qbid maħruġ bis-saħħa ta' dawk l-artikoli bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu.

(b) Kull mandat ta' qbid maħruġ fuq talba tal-Kap ta' Dipartiment tal-Gvern bis-saħħa tad-dispożizzjonijiet ta' l-artikolu 466 tal-liġi prinċipali kif kien fis-seħħ qabel id-dħul fis-seħħ ta' dan l-Att għandu jiġi revokat mill-Qorti jekk, wara li jinġieb rikors mid-debitur fi żmien tletin jum mid-dħul fis-seħħ ta' dan l-Att jew mill-jum meta d-debitur ġie l-ewwel notifikat b'dak il-mandat jew b'att ġudizzjarju msejjes fuqu u li jkun fih referenzi għalih, skond liema jiġi l-aħħar, il-Qorti tkun sodisfatta li t-talba tal-Kap tad-Dipartiment tal-Gvern tkun infondata fil-mertu.

(12) Minkejja kull dispożizzjoni tal-liġi prinċipali kif emendata b'dan l-Att, meta l-Qorti tkun appuntat avukat bħala perit biex jisma' x-xhieda u jirrapporta dwar kawża mingħajr ma dan ikun mgħejjun minn espert tekniku u, fil-bidu fis-seħħ ta' dan l-Att dak ir-rapport ikun għadu ma ġiex preżentat, il-Qorti għandha:

(i) tittermina l-ħatra ta' dak il-perit u tgħaddi biex hi stess tisma' l-kawża kif provdut fil-paragrafu (b) tas-subartikolu (2) ta' l-artikolu 202, kif introdott bl-artikolu 103 ta' dan l-Att; jew

(ii) tħalli lill-perit fil-ħatra tiegħu f'liema każ għandhom japplikaw għas-smiegħ ta' xhieda quddiem il-perit id-dispożizzjonijiet tal-paragrafu (c) tas-subartikolu (2) ta' l-artikolu 202 tal-liġi prinċipali kif introdott bl-artikolu 103 ta' dan l-Att, b'dawk il-modifikazzjonijiet li l-Qorti jidhrilha xierqa skond il-każ, b'dan li l-Qorti għandha tassigura li kemm jista' jkun it-termini stabbiliti fl-istess paragrafu għandhom jiġu rispettati.

SKEDA

(Artikolu 360)

L-Ewwel Kolonna Liġi	It-Tieni Kolonna Emenda Relattiva
Liġi dwar il-Kostituzzjoni u Ġurisdizzjoni tal-Qrati Ekklesjastiċi. (Kap. 1)	Is-subartikolu (2) ta' l-artikolu 4 tagħha għandu jitħassar.
Kodiċi Kriminali. (Kap. 9)	1. Minflok l-artikolu 369 tal-Kodiċi għandu jidħol dan li ġej:—
	"Xogħol ir-reġistratur. 369. (1) Fil-Qorti tal-Maġistrati, ix-xogħol ta' reġistratur jista' jsir minn uffiċjal imsemmi fil-paragrafu (a) tas-subartikolu (2) ta' l-artikolu 57 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili hekk kif jista' jiġi assenjat għal dak l-għan mir-Reġistratur.". Kap. 12.
	2. Minflok l-artikolu 496 tal-Kodiċi għandu jidħol dan li ġej:—
	"Xogħol ir-reġistratur fil-Qorti Kriminali. 496. (1) Ix-xogħol ta' reġistratur tal-Qorti Kriminali jista' jsir minn kull uffiċjal imsemmi fil-paragrafu (a) tas-subartikolu (2) ta' l-artikolu 57 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kap. 12. (2) Ix-xogħol ta' marixxal jista' jsir fil-Qorti Kriminali minn uffiċjal eżekuttiv tal-Qrati msemmi fis-subartikolu (1) ta' l-artikolu 67 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.".
	3. Minflok l-artikolu 514 tal-Kodiċi għandu jidħol dan l-artikolu ġdid li ġej:—
	"Xogħol ir-reġistratur fil-Qorti ta' l-Appell Kriminali. 514. (1) Ix-xogħol ta' reġistratur fil-Qorti ta' l-Appell Kriminali jista' jsir minn kull uffiċjal imsemmi fil-paragrafu (a) tas-subartikolu (2) ta' l-artikolu 57 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. (2) Ix-xogħol ta' marixxal jista' jsir fil-Qorti ta' l-Appell Kriminali minn uffiċjal eżekuttiv tal-Qrati msemmi fis-subartikolu (1) ta' l-artikolu 67 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.".

L-Ewwel Kolonna Liġi	It-Tieni Kolonna Emenda Relattiva
	4. Fil-paragrafu (d) tas-subartikolu (1) ta' l-artikolu 520 tiegħu, minflok il-kliem "109, 113 u 114;" għandhom jidħlu l-kliem "is-subartikolu (1) ta' l-artikolu 109, l-artikoli 113 u 114;".
	5. Fis-subartikolu (1) ta' l-artikolu 604 tal-Kodiċi l-kliem "ir-Reġistratur tal-Qrati Inferjuri," għandhom jitħassru.
Kodiċi tal-Kummerċ. (Kap. 13)	Is-subartikolu (3) ta' l-artikolu 47 tiegħu għandu jitħassar.
Ordinanza dwar l-Eseku-zzjoni ta' Digrieti ta' Manteniment. (Kap. 48)	Fl-artikolu 3 tiegħu minflok il-kliem "lir-Reġistratur tal-Qrati Superjuri" għandhom jidħlu l-kliem "lir-Reġistratur tal-Qrati".
Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili. (Kap. 55)	Fis-subartikolu (2) ta' l-artikolu 110 il-kliem "l-imħallfin tal-Qrati Superjuri," huma mħassra.
Ordinanza dwar ir-Regolament tat-Traffiku. (Kap. 65)	Minflok is-subartikolu (3) ta' l-artikolu 14 tagħha għandu jidħol dan is-subartikolu ġdid li ġej:— "(3) Mid-deċiżjoni ta' l-Awtorità jista' jsir appell lill-Qorti ta' l-Appell. Dak l-appell għandu jsir b'rikors fi żmien erbat ijiem minn meta tingħata s-sentenza. Ir-rikors għandu jiġi notifikat lill-Awtorità li jkollha erbat ijiem biex tagħmel risposta għalih. L-iskritturi fuq appell bħal dak jitqiesu magħluqin bir-risposta ta' l-Awtorità, jew malli jiskadi ż-żmien għal dik ir-risposta.".
Ordinanza li tirregola t-Tiġdid tal-Kiri ta' Bini. (Kap. 69)	Minflok l-artikolu 36 tagħha għandu jidħol dan l-artikolu ġdid li ġej:— "Għajnuna legali. Kap. 12. 36. Id-dispożizzjonijiet tat-Titolu X tat-Tielet Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u kull dispożizzjoni oħra ta' l-istess Kodiċi li għandhom x'jaqsmu mal-benefiċċju ta' l-għajnuna legali jgħoddu għall-partijiet fil-proċedura quddiem il-Bord.".
Ordinanza dwar id-Drittijiet tax-Xhieda. (Kap. 108)	1. Minnufih fi tmiem it-tifsira tal-kelma "xhud" fl-artikolu 2 tagħha għandhom jidħlu l-kliem "iżda ma tinkludix xhud *ex parte* skond l-artikoli 563A u 563B tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili". 2. Minnufih wara l-artikolu 10 tagħha għandu jiżdied dan l-artikolu ġdid li ġej:— "Il-Ministru jista' jemenda, jissostitwixxi jew iżid ma' l-Iskedi. 11. Il-Ministru responsabbli għall-ġustizzja jista' jagħmel regolamenti li bihom jemenda, jissostitwixxi jew iżid ma' l-Iskedi li jinsabu ma' din l-Ordinanza.".

L-Ewwel Kolonna Liġi	It-Tieni Kolonna Emenda Relattiva
Att li Jirregola l-Kondizzjonijiet ta' l-Impieg. (Kap. 135)	Minflok l-artikolu 21 ta' l-Att għandu jidħol dan l-artikolu ġdid li ġej:—
"Sekwestru jew assenjazzjoni ta' pagi.	21. (1) Pagi li jitħallsu minn prinċipal lil impjegat ma jistgħux jiġu assenjati. (2) Pagi li jitħallsu minn prinċipal lil impjegat ma jistgħux jiġu sekwestrati ħlief skond id-dispożizzjonijiet ta' l-artikoli 381, 382 u 849 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kap. 12. (3) Id-dispożizzjonijiet tas-subartikoli (1) u (2) ta' dan l-artikolu m'għandhomx ikunu japplikaw meta s-sekwestru jew assenjazzjoni jkunu maħsuba biex jassiguraw il-ħlas ta' manteniment dovut lill-mara, jew lil wild ta' taħt l-età jew lil wild inabilitat jew lil axxendent tal-impjegat.".
Att dwar it-Tiġdid ta' Kiri ta' Raba'. (Kap. 199)	1. Fl-artikolu 16 ta' l-Att minnufih wara l-kliem "Proċedura Ċivili" għandhom jidħlu l-kliem "u ta' kull dispożizzjoni oħra ta' l-istess Kodiċi". 2. Fl-artikolu 16 tiegħu, il-kliem "tat-Titolu X tat-Tielet Ktieb" għandhom jitħassru.
Att dwar l-Immigrazzjoni. (Kap. 217)	Fl-artikolu 17 u fis-subartikolu (3) ta' l-artikolu 22 tiegħu, minflok il-kliem "mandat ta' impediment tas-safar jew minħabba xi mandat ieħor" għandhom rispettivament jidħlu l-kliem "f'xi mandat".
Att dwar il-Forzi Armati ta' Malta. (Kap. 220)	1. Minflok is-subartikolu (4) ta' l-artikolu 173 ta' l-Att għandu jidħol dan is-subartikolu li ġej: "(4) Referenza f'dan l-artikolu għar-reġistratur tal-qorti tinkludi referenza għal kull uffiċjal ieħor imsemmi fil-paragrafu (a) tas-subartikolu (2) ta' l-artikolu 57 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.". 2. Fis-subartikolu (3) ta' l-artikolu 174 ta' l-Att, minflok il-kliem "ċivili, kriminali jew kummerċjali" għandhom jidħlu l-kliem "ċivili jew kriminali".
Att dwar l-Awtorità tad-Djar. (Kap. 261)	L-artikolu 21 ta' l-Att għandu jitħassar.
Att dwar Relazzjonijiet Industrijali. (Kap. 266)	Fit-test Ingliż tas-subartikolu (1) ta' l-artikolu 29 ta' l-Att minflok il-kliem "section 743" għandhom jidħlu l-kliem "section 734".

L-Ewwel Kolonna Liġi	It-Tieni Kolonna Emenda Relattiva
Att dwar il-Pensjoni tal-Membri tal-Parlament. (Kap. 280)	Fis-subartikolu (1) ta' l-artikolu 8 ta' l-Att minflok il-kliem "fis-subartikolu (2)" għandhom jidħlu l-kliem "fis-subartikolu (3)".
Att dwar ir-Reġistrazzjoni Elettro-Manjetika ta' Proċedimenti. (Kap. 284)	1. Fl-artikolu 2 ta' l-Att, minflok it-tifsira ta' l-espressjoni *"tapes"* għandha tidħol din it-tifsira ġdida li ġejja: ""*tapes*" tfisser it-*tapes* jew oġġetti oħra li fuqhom ikunu ġew reġistrati proċedimenti b'xi mezzi elettro-manjetiċi u jinkludu wkoll *master tape;*". 2. Minnufih wara l-artikolu 6 ta' l-Att għandu jiżdied dan l-artikolu ġdid li ġej:— "Kopji ta' *tapes*." 7. (1) Ir-Reġistratur jista' jagħti kopji ta' l-oriġinali ta' *tapes* mal-ħlas ta' dak id-dritt li l-Ministru responsabbli għall-ġustizzja jista' b'regolamenti jistabbilixxi.".
Att dwar il-Kummissjoni Permanenti Kontra l-Korruzzjoni. (Kap. 326)	Minflok il-kliem "tas-subartikolu (3)" fis-subartikolu (3) ta' l-artikolu 9 ta' l-Att għandhom jidħlu l-kliem "tas-subartikoli (3) sa (6)".

Mgħoddi mill-Kamra tad-Deputati fis-seduta Nru. 448 tas-26 ta' Lulju, 1995.

I assent.

(L.S.)

UGO MIFSUD BONNICI
President

12th September, 1995

ACT No. XXIV of 1995

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:—

Short title and commencement. Cap. 12.

1. (1) This Act may be cited as the Code of Organization and Civil Procedure (Amendment) Act, 1995, and shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter referred to as "the principal law".

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

(3) A notice under subsection (2) of this section may make such transitional provisions as appear to the Minister to be necessary or expedient in connection with the provisions thereby brought into force.

Substitution of section 3 of the principal law.

2. Section 3 of the principal law shall be substituted by the following new section:

"Superior courts.

3. The superior courts are:

(a) the Civil Court;

(b) the Court of Appeal; and

(c) the Constitutional Court.".

Amendment of section 10 of the principal law.

3. The words "President of the Republic." in subsection (2) of section 10 of the principal law shall be substituted by the words "President of Malta.".

Amendment of section 15 of the principal law.

4. The words "sitting in the Court of Magistrates of Judicial Police as a court of criminal inquiry." in section 15 of the principal law shall be substituted by the words "holding an inquiry under Title II of Part I of Book Second of the Criminal Code.".

Substitution of section 16 of the principal law.

5. Section 16 of the principal law shall be substituted by the following new section:

"Judges and magistrates may not hold other offices of profit. Exceptions.

16. It shall not be lawful for any judge or magistrate to hold any other office of profit whatsoever, even though of a temporary nature, with the exception of any judicial office on any international Court or any international adjudicating body, the office of examiner at the University of Malta and in the case of magistrates the office of visitors of notarial acts.".

Amendment of section 18 of the principal law.

6. The words "learned in the law" in section 18 of the principal law shall be substituted by the words "who has the qualifications laid down in subsection (2) of section 100 of the Constitution.".

Amendment of section 19 of the principal law.

7. The words "the Court of Judicial Police", wherever they occur, and the words "learned in the law" in section 19 of the principal law shall be respectively substituted by the words "the Courts of Magistrates" and by the words "who has the qualifications laid down in subsection (2) of section 100 of the Constitution.".

Amendment of section 20 of the principal law.

8. The words "learned in the law" in subsection (3) of section 20 of the principal law shall be substituted by the words "who has the qualifications laid down in subsection (2) of section 100 of the Constitution".

Amendment of section 21 of the principal law.

9. The following new subsection (3) shall be added immediately after subsection (2) of section 21 of the principal law.

"(3) Any evidence submitted by affidavit shall be drawn up in the language normally used by the person taking such affidavit. The affidavit, when not in Maltese is to be filed together with a translation in Maltese, which translation is furthermore to be confirmed on oath by the translator.".

Substitution of section 23 of the principal law.

10. Section 23 of the principal law shall be substituted by the following new section:

"Judgments to be delivered in public.

23. The judgment shall in all cases be delivered in public. The court delivering the judgment shall read out the operative part which is to be included in the concluding part of the judgment. The operative part of the judgment shall include a reference to the claims or pleas which have been decided upon and every declaration intended to be conclusive or binding. Immediately upon delivery the judge or magistrate shall deposit a signed transcript of the judgment in the records of the case.".

11. Subsection (3) of section 27 of the principal law shall be substituted by the following new subsection: Amendment of section 27 of the principal law.

"(3) The registrar shall be appointed by the Prime Minister, and the other court officials mentioned in subsection (2) of section 57 shall be designated to perform the duties of their office by the Minister responsible for justice.".

12. Section 29 of the principal law shall be substituted by the following new section: Substitution of section 29 of the principal law.

"Rule-Making Board.

29. (1) There shall be a Board composed of the Chief Justice, as chairman, who shall also have a casting vote, two judges and a magistrate appointed by the President of Malta, the Attorney General and the President of the Chamber of Advocates whose function shall be to make rules, to be called Rules of Court, for the purposes specified in subsection (2) of this section.

(2) Rules of Court may be made generally in respect of all matters concerning the conduct of the courts with the object of ensuring a proper and efficient administration of justice and, in particular, but without prejudice to the generality of the aforesaid —

(a) for securing and maintaining order and decorum within the building of the courts;

(b) for fixing the days, hours, duration and number of the sittings of the courts, determining the manner of distribution of the causes among judges and the magistrates appointed to sit in a particular court or chamber thereof, and for making other provision in respect of any matter aforesaid as the Board may deem appropriate;

(c) for regulating leave of absence, for any reason, by judges or magistrates, including a requirement of authorisation or sanctioning of such leave by the competent authorities;

(d) for establishing any forms not provided for in this Code;

(e) for carrying into effect the provisions of the Judicial Proceedings (Use of English Language) Act, as regards the language to be used in the proceedings; Cap. 189.

(f) for making provision with respect to judicial acts and matters of or incidental to practice and procedure not provided for in this Code or in any other law:

Provided that nothing contained in such rules shall be inconsistent with or repugnant to the provisions of this Code or any other law.

(3) The Board may act notwithstanding any vacancy in its membership but shall not act unless at least the Chief Justice and another member are present.

(4) Rules made under this section shall be subject to the approval of the President of Malta, and shall come into force on or after the day of their publication in the Gazette, as may be specified therein.

(5) The Minister responsible for justice may by regulations confer on the Board additional powers and functions for the amelioration of the administration of justice.

(6) The judges and the magistrates shall meet, as separate bodies, to discuss and seek practical solutions to the problems that arise with respect to the administration of justice; to make recommendations thereon to the Minister responsible for justice, and to co-ordinate the conduct of proceedings and the trial of causes and to ensure that the conduct of proceedings and the trial of causes in any one court conforms with that in other courts. The meetings shall be held as often as may be necessary and shall be called by the Chief Justice, who shall also preside over the respective meetings and regulate the proceedings. Minutes of such meetings and of the Board shall be regularly kept and the Chief Justice shall on the closing of each forensic year send to the Minister responsible for justice a detailed report on decisions reached, recommendations made and solutions sought.

(7) Subject to the foregoing provisions of this section and to any rules or regulations made thereunder, the Judges and the Magistrates shall have power to regulate the conduct of proceedings and of the trial of the causes before the respective courts over which they preside, and to give directives for the maintenance of order at the sittings of the court, according to law.".

Substitution of section 32 of the principal law.

13. Section 32 of the principal law shall be substituted by the following new section:

"Civil Court, First Hall. Constitution and jurisdiction.

32. (1) One of the judges shall sit in the Civil Court, First Hall.

(2) The Civil Court, First Hall shall take cognizance of all causes of a civil and commercial nature, and of all causes which are expressly assigned by law to the said Civil Court, First Hall, or which have hitherto been assigned to or cognizable by the Civil Court, First Hall, or by the Commercial Court, and in regard to which it has not been otherwise provided for in this Code or in any other law.

(3) Nevertheless, such court shall not take cognizance of causes within the jurisdiction of the inferior courts of the Island of Malta other than those in which the Government of Malta is plaintiff or defendant, in which case,

the said Civil Court, First Hall, shall, within the limits of the jurisdiction of the said inferior courts, have a concurrent jurisdiction with those courts, saving any other provision of the law.".

Amendment of section 34 of the principal law.

14. The word "Judgments" in section 34 of the principal law shall be substituted by the words "Save where otherwise provided by this Code or any other law, judgments".

Repeal of sections 36, 37 and 38 of the principal law.

15. Sections 36, 37 and 38 of the principal law shall be repealed.

Amendment of section 39A of the principal law.

16. Subsection (1) of section 39A of the principal law shall be substituted by the following new subsection:

"(1) Notwithstanding the provisions of subsection (1) of section 32 and section 33, the Civil Court, First Hall, and the Civil Court, Second Hall, may each be composed of more than one chamber, as the President of Malta may by order determine.".

Repeal of section 40 of the principal law.

17. Section 40 of the principal law shall be repealed.

Amendment of section 41 of the principal law.

18. Section 41 of the principal law shall be amended as follows:

(a) the words "the Commercial Court" and the words "saving the provisions of sections 51 and 52" in subsection (5) thereof shall be deleted;

(b) for the words "Court of Magistrates of Judical Police for the Island of Malta" in subsection (6) thereof there shall be substituted the words "Court of Magistrates (Malta) and Court of Magistrates (Gozo) in its inferior jurisdiction"; and

(c) immediately after subsection (6) thereof there shall be added the following subsection:

"(7) Where the Court of Appeal is to hear appeals from the Court of Magistrates (Gozo) in its inferior jurisdiction, it shall hold its sitting in the building of the Courts in Gozo, and for the purpose of such appeals the registry of the Court of Magistrates (Gozo) shall also be the Registry of the Court of Appeal.".

Repeal of section 43 of the principal law.

19. Section 43 of the principal law shall be deleted.

Substitution of section 46 of the principal law.

20. Section 46 of the principal law shall be substituted by the following new section:

"Saving.

46. The provisions of section 34 and of subsection (6) of section 41 shall be without prejudice to the provisions of subsection (4) of section 46, and subsection (2) of section 95 of the Constitution of Malta and subsection (4) of section 4 of the European Convention Act.".

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Amendment of section 47 of the principal law.

21. The words "two hundred and fifty Maltese liri" in subsections (1) and (3) of section 47 of the principal law shall in both cases be substituted by the words "one thousand liri".

Amendment of section 48 of the principal law.

22. In section 48 of the principal law for the words " two hundred and fifty Maltese liri" there shall be substituted the words "one thousand liri"

Amendment of section 49 of the principal law.

23. The words "subsection (2)" in section 49 of the principal law shall be substituted by the words "subsection (6)".

Amendment of section 50 of the principal law.

24. Section 50 of the principal law shall be amended as follows:

(a) the words "as a court of first instance, and" in subsection (1) thereof shall be deleted;

(b) the words "as a court of first instance," in subsection (2) thereof shall be deleted;

(c) paragraph (b) of subsection (2) thereof shall be substituted by the following new paragraph:

"(b) a superior jurisdiction, by virtue of which, subject to the provisions of section 46 of the Constitution of Malta and section 4 of the European Convention Act, it shall take cognizance of all causes of the nature of those which, according to section 32, are triable by the Civil Court, First Hall."; and

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(d) subsections (3), (4) and (5) thereof shall be deleted.

Repeal of sections 51 and 52 of the principal law.

25. Sections 51 and 52 of the principal law shall be repealed.

Amendment of section 55 of the principal law.

26. The words "persons learned in the law." in section 55 of the principal law shall be substituted by the words "who have the qualifications laid down in subsection (2) of section 100 of the Constitution.".

Substitution of section 56 of the principal law.

27. Section 56 of the principal law shall be substituted by the following:

"56. The provision of section 49 shall be without prejudice to the provision of subsection (4) of section 46 and subsection (2) of section 95 of the Constitution of Malta, and subsection (4) of section 4 of the European Convention Act.".

28. For section 57 of the principal law there shall be substituted the following:

Substitution of section 57 of the principal law.

"Duties of Registrar in Superior and Inferior Courts.

57. (1) The registrar shall have the functions, powers and duties vested in him by the provisions of this Code and shall have under his direct responsibility the registry and the officers attached to it. The officers referred to in subsection (2) of this section and the executive officers of the court shall be under the administrative control of the registrar.

(2) (a) The registrar shall be assisted in the performance of his duties under the Code by the following:

(i) the principal assistant registrar;

(ii) assistant registrars;

(iii) deputy registrars;

(iv) hall clerks.

(b) The Minister responsible for justice may by regulations add to or delete from or substitute the list of officers in paragraph (a) hereof and may also in such regulations specify the duties that may be carried out by the officers in the list as contained in or amended by such regulations.

(3) Subject to the provisions of this Code and of any rules made under section 29, the registrar shall take orders from the judicial authorities in relation to any judicial proceedings and in relation to any judicial act, that is to say:

(a) in the superior courts in matters concerning a particular court shall take orders from the judge or from the judges, if they are two or more, of that court; in other cases, he shall take orders from the Chief Justice;

(b) in the inferior courts shall take orders from the magistrates of the particular court, or, if the magistrates appointed to sit in a particular court are two or more and the matter does not refer to the business of any one of them in particular, from the senior magistrate.".

29. Section 58 of the principal law shall be substituted by the following section:—

Substitution of section 58 of the principal law.

"Duties to be executed in part personally and in part by other officers of the registry.

58. (1) The duties of the registrar in the Superior and Inferior Courts shall be carried out in part by the registrar personally, and in part as provided by any rules made under section 29 of this Code, or, failing such rules, by special orders of the Minister responsible for justice, or, failing both, under the directions of the registrar himself, by any court officer mentioned in subsection (2) of section 57 who may perform any of the duties of the registrar.

(2) The duties of the registrar in each court, during its sittings, shall, unless otherwise provided by the said rules or by any order of the Minister responsible for justice, be performed by the principal assistant registrar, any assistant registrar or any deputy registrar.

(3) The registrar and the officers mentioned in subparagraphs (i) to (iii) of paragraph (a) of subsection (2) of section 57 shall have power to administer oaths and shall, for the purposes of the Commissioners for Oaths Ordinance, be *ex officio* Commissioners for Oaths.".

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Substitution of section 60 of the principal law.

30. Section 60 of the principal law shall be substituted by the following new section:—

"Oath to be taken by registrar.

60. (1) The registrar, on entering upon the execution of his office, shall take, before the Court of Appeal, the oath of allegiance referred to in section 10, and the oath of office in the following form:

I..... do swear that I will faithfully and with all honesty and exactness perform the duties of Registrar of Courts, to the best of my knowledge, skill and ability. So help me God.

(2) In regard to any other officer mentioned in paragraphs (i) to (iii) of paragraph (a) of subsection (2) of section 57, the same form of oath shall apply but a mention of their office or designation shall be included therein.".

Amendment of section 64 of the principal law.

31. Section 64 of the principal law shall be amended as follows:—

(a) the present provision shall be renumbered as subsection (1) thereof;

(b) in subsection (1) thereof as renumbered, for the words "after the expiration of one month." there shall be substituted the words "after the expiration of one month. Such action shall be instituted by application which shall be heard summarily by the court."; and

(c) immediately after subsection (1) thereof as renumbered there shall be added the following subsections:—

"(2) The applicant shall cause a copy of the application to be served on any person having an interest therein, who shall have twenty days within which to file a reply.

(3) The written pleadings in respect of the application shall be deemed closed by the reply or failing such reply with the expiration of the time allowed for such reply. The parties shall be notified with the date for the hearing of the application.".

Amendment of section 66 of the principal law.

32. Subsection (1) of section 66 of the principal law shall be substituted by the following new subsection:—

"(1) In the case of absence or other lawful impediment of the registrar, the senior available amongst the officials mentioned in paragraphs (i) to (ii) of paragraph (a) of subsection (2) of section 57 shall act instead of the registrar, unless another person be appointed by the Prime Minister.".

Amendment of section 67 of the principal law.

33. Section 67 of the principal law shall be amended as follows:

(a) subsections (1) and (2) thereof shall be respectively re-numbered as subsections (2) and (3) thereof; and

(b) the following new subsection shall be added as subsection (1) thereof:

"(1) The executive officers of the courts shall be the following:

(a) Marshals

(i) chief marshals;

(ii) senior marshals;

(iii) marshals

(b) ushers;

(c) court messengers:

Provided that in the case of the Court of Magistrates (Gozo), the Minister responsible for justice may by a notice published in the Gazette designate any other officer to perform the duties of an executive officer of the said court.".

Substitution of section 68 of the principal law.

34. Section 68 of the principal law shall be substituted by the following new section:

"Other duties of marshals.

68. (1) The marshals are also charged with the maintenance of good order and decorum in the building of the courts.

(2) Without prejudice to the provisions of section 72, every marshal shall, within the precincts of the building of the courts and of any office, building or other premises occupied by, or under the charge of, the Registrar of Courts, be empowered to exercise all such functions, powers and duties as are by law vested in Police officers.

(3) Subject to the provisions of section 990 and 992, where the Marshal detains or arrests any person for any offence committed within the precincts mentioned in the previous subsection, he shall forthwith bring the offender before a magistrate and charge him with breach of good order and decorum in the buildings of the court and if the court, on summarily hearing the case, finds the offender guilty of breach of good order and decorum in the building of the court, shall condemn the offender to any of the punishments mentioned in section 990.".

Amendment of section 69 of the principal law.

35. Subsection (1) of section 69 of the principal law shall be substituted by the following:

"(1) Except for the duties referred to in subsection (2) of section 68, the marshals shall discharge their duties personally or through any of the executive officers of the court mentioned in subsection (1) of section 67 in accordance with the rules made under section 29, or, failing such rules, in accordance with the orders even verbal, of the judges or magistrates as provided in section 57.".

Amendment of section 70 of the principal law.

36. Section 70 of the principal law shall be amended as follows:

(a) section 70 shall be renumbered as subsection (1) thereof; and

(b) the following new subsection shall be added after subsection (1) thereof:

"(2) Saving the provisions of section 992, if any person knowingly avoids, obstucts or refuses service of any act or court order or execution of any warrant or order by any executive officer of the courts, he shall be guilty of contempt of court and shall be liable, on conviction, to the punishments mentioned in section 990.".

Amendment of section 78 of the principal law.

37. Subsection (1) of section 78 of the principal law shall be substituted by the following new section:

"(1) Unless another officer is appointed by the Minister responsible for justice, the registrar is *ex officio* the Archivist of the Superior and Inferior Courts.".

Amendment of section 79 of the principal law.

38. Section 79 of the principal law shall be amended as follows:

(a) subsections (2), (3) and (4) thereof shall be deleted; and

(b) subsection (1) thereof shall be renumbered as section 79.

Amendment of section 80 of the principal law.

39. The words "set out" in section 80 of the principal law shall be substituted by the words "referred to".

Amendment of section 81 of the principal law.

40. The words "after the 31st day of December" in paragraph (d) of section 81 of the principal law shall be substituted by the words "after the commencement".

Amendment of section 82 of the principal law.

41. For the words "It shall not be lawful" in section 82 of the principal law, there shall be substituted the words "Save as may be provided in regulations made under section 1004, it shall not be lawful".

Amendment of section 84 of the principal law.

42. The words "to the registrars of the courts of justice" in subsection (3) of section 84 of the principal law shall be substituted by the words "to the registrar of the courts of justice".

Amendment of section 86 of the principal law.

43. The words "set out" in section 86 of the principal law shall be substituted by the words "referred to".

Amendment of section 87 of the principal law.

44. The words "after the 31st day of December" in paragraph (d) of section 87 of the principal law shall be substituted by the words "after the commencement".

Amendment of section 89 of the principal law.

45. Subsection (1) of section 89 of the principal law shall be substituted by the following:

"(1) There shall be three panels, one of which is to consist of not less than twelve advocates, a second of which is to consist of not less than six legal procurators and a third of which is to consist of not less than six accountants, besides other experts chosen by the Minister responsible for justice to perform the duties of curators, advocates or legal procurators *ex officio*, and of accountants or other experts in the superior courts and in the Court of Magistrates (Malta), as occasion may require under this Code.".

Substitution of section 91 of the principal law.

46. Section 91 of the principal law shall be substituted by the following new section:

"Publication of list of official curators, etc.

91. A list of the members of the panels appointed as aforesaid shall be posted up in the Registry of the Superior Courts, and in the Registry of the Court of Magistrates (Gozo) and shall be published in the Gazette.".

Amendment of section 95 of the principal law.

47. The words "with the benefit of legal aid," in section 95 of the principal law shall be substituted by the words "with the benefit of legal aid, or to be a party to proceedings or continue such proceedings with such benefit,".

Substitution of section 96 of the principal law.

48. Section 96 of the principal law shall be substituted by the following new section:

"Misconduct or negligence of curators, etc.

96. In case of misconduct, negligence or any reasonable objection to any curator selected from the rota to perform the duties of curator or advocate for legal aid, the court shall have the power to remove him from the case and to appoint another curator from the rota in his stead:

Provided that the court shall through the registrar communicate to the Minister responsible for justice, the relevant decree.".

Addition of new Title XI to the principal law.

49. The following new title shall be added after section 97 of the principal law:

"TITLE XI
OF JUDICIAL ASSISTANTS

Appointment of judicial assistants.

97A. (1) The President of Malta shall appoint judicial assistants to perform such functions as are by this Code or by any other law assigned to them.

(2) Judicial assistants shall be appointed from amongst persons who hold the warrant of advocate.

(3) The functions of judicial assistants shall include the following:—

(a) to assist in the judicial process and at the request of the court to participate in the proceedings pending before a superior court, including any research or other work required therefor, and for the purpose of carrying out such duties and exercise such powers as they may be required or authorised to perform by such court;

(b) to administer oaths;

(c) to take the testimony of any person that is produced as witness in any proceedings;

(d) to take any affidavit on any matter, including a matter connected with any proceedings taken or intended to be taken before any superior court or any court or tribunal of civil jurisdiction established by law;

(e) to receive documents produced with any testimony, affidavit or declaration, including in particular a testimony, affidavit or declaration as is referred to in this Code.

(4) In the performance of their functions judicial assistants shall be assigned to a court and shall act under the direction and control of the court before which the case is pending and shall, in addition to any power lawfully assigned to them by such court, have the power to order the attendance of any person for the purpose of giving evidence or to make an affidavit or a declaration, or to produce documents, at such place and time as they may specify in the order.

Oath of office, remuneration and removal of judicial assistants.

97B. (1) A judicial assistant shall not enter upon the functions of his office before he has taken, before the Court of Appeal, the oath of office in the following terms:

"I ..... do swear that I will faithfully and with all honesty and to the best of my ability perform the duties of judicial assistant as prescribed by law.".

(2) The provisions of Sub-Title II of the Title II of Book Third shall apply to judicial assistants, except that the decision on any such matter shall be taken by the Court before which the case is pending.

Decisions by judicial assistants.

97C. Without prejudice to the provisions of subsection (2) of section 97B, where in proceedings before a judicial assistant a question arises relating to or connected with the same proceedings, that question shall in the first place be decided by the judicial assistant who shall without delay and in any case not later than three days from the date of the said decision, inform the court of the decision, and the decision of the judicial assistant shall be binding unless the court shall by decree, decide otherwise.".

50. Section 106 of the principal law shall be amended as follows. Amendment of section 106 of the principal law.

(a) subsection (2) thereof shall be deleted, and;

(b) subsection (1) thereof shall be renumbered as section 106.

51. The proviso to section 107 of the principal law shall be deleted. Amendment of section 107 of the principal law.

52. Section 109 of the principal law shall be substituted by the following new section: Substitution of section 109 of the principal law.

"When sittings are to be held, etc.

109. (1) Court sittings may be held from Monday to Friday of every week during the time established under subsection (2) of this section for the opening of the registries of the court and during such other time as the court may fix:

Provided that, except by special order of the court, in case of urgency or for other reasons deemed sufficient by the court, no sitting shall be held on Saturdays, on public holidays as provided in the National Holidays and other Public Holidays Act, or on Wednesday or Thursday of Holy Week.

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(2) The registry of the Superior Courts and the registries of the Inferior Courts shall be open for the filing of judicial acts during such days and at such times as may by regulations be prescribed by the Minister responsible for justice:

Provided that any of the aforesaid registries may by special order of the court or by order given in writing by the registrar, be opened for the filing of judicial acts on any day or at any time.

(3) The registrar shall abide by and fully execute any order of the Court to open the court buildings on any day and at any time as the Court may specify in the order.

(4) A judicial act may be served or carried into execution from Monday to Saturday of every week and during the times mentioned in subsection (1) of section 280:

Provided that by special order of the court or by order given in writing by the registrar in cases of urgency, it shall be lawful to serve or carry into execution any judicial act on any other day or at any other time:

Provided further that, where, under any regulations made under subsection (8) of section 187, service is to be effected by officers of the post office, such service may, notwithstanding any other provision, be effected on such days and times during which such officers are called for duty in accordance with the rules of the post office.

(5) The registrar shall not refuse to give an order under subsection (2) or (4) of this section unless he has referred the matter to the competent court for its decision.".

Amendment of section 116 of the principal law.

53. The words "to any advocate, litigant or other person" in section 116 of the principal law shall be substituted by the words "to any advocate, legal procurator, litigant or other person".

Amendment of section 121 of the principal law.

54. Section 121 of the principal law shall be amended as follows:

(a) the words "the first of July to the thirtieth of September" in subsection (2) thereof shall be substituted by the words "the sixteenth of July to the fifteenth of September"; and

(b) subsection (4) thereof shall be substituted by the follwing new subsection:

"(4) Subject to the provisions of subsection (3) of this section, the vacations in the inferior courts shall be during the month of August of each year.".

Amendment of section 125 of the principal law.

55. The words "libel, petition," in subsection (1) of section 125 of the principal law shall be deleted.

Substitution of heading of Title I of Part I of Book Second of the principal law.

56. The heading of Title I of Part I of Book Second of the principal law shall be substituted by the following title:—

"Of the Mode of Procedure by Application for Appeal".

57. Sections 126 to 141 of the principal law shall be repealed. Repeal of sections 126 to 141 of the principal law.

58. The word "petition" in section 142 of the principal law, wherever it occurs, shall be substituted by the word "application". Amendment of section 142 of the principal law.

59. Section 143 of the principal law shall be substituted by the following new section: Amendment of section 143 of the principal law.

"Contents of application of appeal.

143. (1) The application for the reversal of a judgment shall contain a reference to the claim and to the judgment appealed from together with detailed reasons on which the appeal is entered and a request that the said claim be allowed or dismissed.

(2) The application for the variation of a judgment shall contain a reference to the claim and to the judgment appealed from and shall distinctly state the heads of the judgment complained of together with detailed reasons for which the appeal is entered and, in conclusion, shall state, specifically, the manner in which it is desired that the judgment be varied under each head.

(3) The application for the reversal, annulment or variation of a decree shall contain a reference to the contents of the decree appealed from together with the detailed reasons for such reversal, annulment or variation.

(4) In the case mentioned in this section a request for reversal shall be deemed to include a request for annulment and variation of a judgment or decree, and a request for annulment shall be deemed to include a request for a reversal and variation of a judgment or decree.

(5) The default of compliance with any of the requirements of subsections (1), (2) and (3) of this section shall not make void the application; but the court shall, in any such case, make an order directing the appellant to file, within two days, a note containing such particulars as are required by law and which have not been duly stated in the application.

(6) The cost of the order and of the filing of the note shall be borne by the appellant.

(7) The provisions of subsections (5) and (6) of this section shall, in the case referred to in section 240, apply to the answer.".

Substitution of section 144 of the principal law.

60. For section 144 of the principal law there shall be substituted the following:

"Service of application of Appeal. Time for answer.

144. (1) An appeal may be entered by any party against all the other parties or against any one of them. The appellant shall indicate in the application of appeal the parties against whom the appeal is directed. The application of appeal shall be served on all the parties but only the parties against whom the appeal is directed shall, within the time of twenty days, file their respective answer containing the reasons why the appeal should be dismissed.

Time for answer in case of cross appeal.

(2) In the case of a cross appeal in terms of section 240, the party against whom the cross appeal is directed shall within the said time of twenty days file a reply rebutting the allegations included in the cross appeal.".

Amendment to section 145 of the principal law.

61. The word "petition" in section 145 of the principal law shall be substituted by the word "application".

Amendment of section 146 of the principal law.

62. Section 146 of the principal law shall be amended as follows:

(a) the word "petition" in subsection (1) shall be substituted by the word "application", and

(b) immediately after subsection (2) thereof there shall be added the following new subsection:

"(3) The default of any party in filing an answer or reply within the prescribed time limits shall not preclude such party from appearing before, or making submissions to, the court during the hearing of the appeal.".

Repeal of sections 148 and 149 of the principal law.

63. Sections 148 and 149 of the principal law shall be repealed.

Amendment of section 150 of the principal law.

64. The words "sections 129, 135, 138 and 145" in subsection (1) of section 150 of the principal law shall be substituted by the words "section 145".

Amendment of section 151 of the principal law.

65. The words "in sections 141 and 146" in section 151 of the principal law shall be substituted by the words "in section 146".

Amendment of section 152 of the principal law.

66. In subsection (2) of section 152 of the principal law, the words "plaintiff, appellant or person issuing a libel" shall be substituted by the word "appellant" and the words "within six working days," shall be substituted by the words "within ten days,".

Amendment of section 156 of the principal law.

67. For subsections (3), (4), (5) and (6) of section 156 of the principal law there shall be substituted the following new subsections:

"(3) In the superior courts, the plaintiff or one of the plaintiffs shall, moreover, file together with the writ of summons a declaration with numbered paragraphs containing all the facts relevant to the cause and describing each fact in separately numbered paragraphs, in support of his claim, stating also which facts are within his knowledge. Such a declaration shall either be confirmed on oath before the registrar or be accompanied by an affidavit of the plaintiff or one of the plaintiffs confirming all the facts in support of the claim and stating which facts are within his knowledge.

(4) The plaintiff shall together with the declaration also give the names of the witnesses he intends to produce in evidence stating in respect of each of them the facts and proof he intends to establish by their evidence.

(5) Where several actions are brought together as provided in subsections (3), (4) and (5) of section 161, at least one of the plaintiffs shall file a declaration which shall either be confirmed on oath before the registrar, or shall be accompanied by his affidavit, and the provisions of subsection (3) of this section shall apply.

(6) A copy of such declaration and of such affidavit, if any, as is mentioned in subsections (3) and (5) of this section shall be served on the defendant together with the writ of summons.

(7) The registrar shall not receive any writ of summons which is not accompanied by such declaration and such affidavit if any as is mentioned in subsections (3) and (5) of this section and the court shall not allow any witness to be produced unless his name shall have been given together with the writ of summons. If the necessity of producing a witness arises at any time after the filing of the writ of summons. If the necessity of producing a witness arises at any time after the filing of the writ of summons, or if the opposite party gives his consent in the manner prescribed in paragraph (c) of subsection (1) of section 150, or if the court deems it in the interest of justice to hear a particular witness, the court may allow such a witness to be heard.

(8) When the proof intended to be established by each witness is not stated or adequately stated in the declaration, the court shall on the first day appointed for the pretrial hearing order the plaintiff to indicate adequately the proof he intends to establish by each witness within a time to be fixed by the court.".

Repeal of section 156A of the principal law.

68. Section 156A of the principal law shall be repealed.

Substitution of section 157 of the principal law.

69. Section 157 of the principal law shall be substituted by the following section:

"Service of writ of summons.

157. It shall be the responsibility of the plaintiff to cause, through the registrar, a copy of the writ of summons and of the declaration and of any affidavit of the plaintiff to be served on the defendant.".

Amendment of section 158 of the principal law.

70. Section 158 of the principal law shall be amended as follows:

(a) subsection (4) thereof shall be substituted by the following new subsection:

"(4) The defendant or one of the defendants, if there are more than one, shall moreover, file together with the statement of defence, a declaration with numbered paragraphs containing all the facts concerning the claim, denying, admitting or explaining the circumstances of fact set out in plaintiff's declaration, stating which facts are within his own knowledge. Such declaration shall be confirmed on oath before the registrar or be accompanied by an affidavit of the defendant or one of the defendants on all the facts concerning the claim denying, admitting or explaining the circumstances of fact set out in plaintiff's declaration and the defendant shall also confirm that the facts stated therein are within his own knowledge. The defendant shall also give the names of the witnesses he intends to produce in evidence stating in respect of each of them the facts and the proof he intends to establish by their evidence. Together with the statement of defence, there shall be filed all such documents as may be necessary in support of the pleas.";

(b) subsection (5) thereof shall be substituted by the following new subsection:

"(5) The registrar shall not receive any statement of defence which is not accompanied by such declaration and any such affidavit, as mentioned in subsection (4) of this section and the court shall not allow any witness to be produced whose name shall not have been given in such declaration. If the necessity of producing a witness arises at any time after the filing of the declaration, or if the opposite party gives its consent in the manner prescribed in paragraph (c) of subsection (1) of section 150, or if the court deems it in the interest of justice to hear a particular witness, the court may allow such a witness to be heard.";

(c) subsections (6), (7), (8), (9), (10), (11) and (12) thereof shall be respectively renumbered as subsections (7), (8), (9), (10), (11), (12) and (13);

(d) the following new subsection (6) shall be added immediately after subsection (5) thereof:—

"(6) When the proof intended to be established by each witness is not stated or adequately stated in the declaration, the court shall on the first day appointed for the pretrial hearing order the defendant to indicate adequately the proof he intends to establish by each witness within a time to be fixed by the court.";

(e) immediately at the end of subsection (10) thereof as renumbered there shall be added the words: "The court shall, however, before giving judgement allow the defendant a short time which may not be extended within which to make submissions in writing to defend himself against the claims of the plaintiff. Such submissions shall be served on the plaintiff who shall be given a short time within which to reply."; and

(f) in subsection (13) thereof as renumbered, for the words "before the close of the preliminary written proceedings" there shall be substituted the words "before the time allowed for the filing of the statement of defence in accordance with this section".

Substitution of section 160 of the principal law.

71. Section 160 of the principal law shall be substituted by the following:

"Affidavits of witnesses.

160. Any party intending to produce a witness in any proceedings before any court may, together with the writ of summons or the statement of defence, as the case may require, file in the registry of such court an affidavit taken by such witness before a judicial assistant or any other person authorised by law to administer oaths, and a copy of such affidavit shall be served on the other party.".

Substitution of section 161 of the principal law.

72. Section 161 of the principal law shall be substituted by the following:

"Mode of procedure in the Civil Court, First Hall, and in the Court of Magistrates (Gozo) in its superior jurisdiction.

161. (1) In the Civil Court, First Hall, and in the Court of Magistrates (Gozo) in its superior jurisdiction, proceedings are ordinarily taken by writ of summons.

(2) Proceedings may also be taken by application in the cases prescribed by or under a law.

(3) Two or more plaintiffs may bring their actions by one writ of summons or by one application as the case may be, if the actions are connected in respect of the subject matter thereof or if the decision of one of the actions might affect the decision of the other action or actions and the evidence in support of one action is, generally, the same to be produced in the other action or actions. The cause and subject matter of the actions shall be clearly and specifically stated in respect of each plaintiff.

(4) Nevertheless, any of the actions so brought together shall be tried separately at the request of a plaintiff with regard to his action; and the court may also order that any action be tried separately when it is not expedient that the actions of all the plaintiffs be tried together. Any such order may be made at any stage of the proceedings before final judgement.

(5) Where the several actions are brought together as provided in subsection (3) of this section they shall be taken cumulatively for determining the competence of the court. Such court shall remain competent in respect of any action separated in accordance with subsection (4) of this section.".

Repeal of section 162 of the principal law.

73. Section 162 of the principal law shall be repealed.

Repeal of section 163 of the principal law.

74. Section 163 of the principal law shall be repealed.

Substitution of section 164 of the principal law.

75. Section 164 of the principal law shall be substituted by the following:

"Nullity of proceedings.

164. (1) Saving the provisions of section 175 of this Code, nullity shall ensue if proceedings which should have been instituted by writ of summons or by application of appeal are instituted by any other judicial act.

(2) No nullity shall ensue if a cause which should have been instituted by application is instituted by writ of summons:

Provided that the court may order plaintiff to substitute the writ of summons by an application:

Provided further that any additional costs incurred shall be borne by the plaintiff:

Provided further that the provisions of this subsection shall not apply where in accordance with any law other than this Code proceedings are to be instituted by application.".

Amendment of section 167 of the principal law.

76. Section 167 of the principal law shall be amended as follows:

(a) subsection (1) thereof shall be substituted by the following new subsection:

"(1) In actions within the jurisdiction of the superior courts or the Courts of Magistrates (Gozo) in its superior jurisdiction, where the demand is solely —

(a) for the recovery of a debt, certain, liquidated and due, not consisting in the performance of an act; or

(b) for the eviction of any person from any rural tenement, with or without a claim for ground rent, rent or any other consideration due or by way of damages for any compensation, up to the date of the surrender of the tenement,

it shall be lawful for the plaintiff to pray in the writ of summons that the court gives judgment allowing his demand, without proceeding to trial:

Provided that the plaintiff shall, in his declaration made in terms of subsection (3) of section 156 state that in his belief there is no defence to the action:

Provided further that the plaintiff may also file a sworn affidavit of any other person, containing facts relative to the claim, and confirming that such facts are within the knowledge of such a person.";

(b) subsection (2) thereof shall be deleted;

(c) subsection (3) thereof shall be renumbered as subsection (2); and

(d) subsection (4) thereof shall be substituted by the following new subsection:

"(3) The provisions of subsections (1), (2) and (3) of section 156 and the provisions of section 159 shall apply to such writs of summons.".

Amendment of section 168 of the principal law.

77. The words "A copy of the affidavit" in section 168 of the principal law shall be substituted by the words "A copy of the declaration and any affidavit".

Substitution of section 169 of the principal law.

78. Section 169 of the principal law shall be substituted by the following new section:

"Time for service of writ of summons.

169. In the cases referred to in section 167, the writ of summons shall be served on the defendant without delay; and he shall be ordered to appear not earlier than fifteen days and not later than thirty days from the date of service:

Provided that in the case of non-observance of the provisions of this section the court shall not stop proceedings by special summary proceedings but shall give such orders as it may consider appropriate so that the rights of the parties be not prejudiced.".

Substitution of section 169A of the principal law.

79. Section 169A of the principal law shall be substituted by the following new section:

"Mode of service.

169A. The writ of summons, the declaration and any affidavit and note produced therewith, and any order referred to in sections 168 and 169 shall be served by means of any executive officer of the courts.".

Amendment of section 170 of the principal law.

80. Section 170 of the principal law shall be amended as follows:

(a) for the words from "good defence," to the words "to defend the action," in subsection (1) thereof there shall be substituted the words "*prima facie* defence, in law or in fact, to the action on the merits, or otherwise disclose such facts or issues of law as may be deemed sufficient to entitle him to defend the action or to set up a counterclaim,"; and at the end thereof there shall be added the following words: "The defendant may make his submissions to impugn the proceedings taken by plaintiff on the ground of irregularity or inapplicability by means of a note to be filed in the registry of the court or during the hearing."; and

(b) subsection (2) thereof shall be substituted by the following subsection:

"(2) If the defendant successfully impugns the proceedings on the ground of irregularity, or inapplicability, or if he satisfies the court that he has a *prima facie* defence to the action, or discloses such facts or issues of law as may be deemed sufficient to entitle him to defend the action or to set up a counterclaim, he shall be given leave to defend the action and file a statement of defence within twenty days from the date of the order referred to in subsection (4) of this section, in which case the defendant shall comply with the provisions of section 158 so far as applicable.".

Substitution of section 171 of the principal law.

81. Section 171 of the principal law shall be substituted by the following new section:

"Mode of procedure in inferior courts.

171. (1) In the Court of Magistrates (Malta) and in the Court of Magistrates (Gozo) in its inferior jurisdiction, proceedings shall be by writ of summons which shall take the form of a mere notice signed by the registrar, containing the name and the surname of the plaintiff and of the defendant, the demand of the plaintiff, and the day and hour when the defendant is to appear.

(2) The cause shall be summarily heard in terms of section 215.

(3) Without prejudice to section 23, in the said courts, the judgment need not contain all the reasons thereof, but may merely list the main points upon which the court would have based its conclusions.".

Amendment of section 172 of the principal law.

82. The word "petition" wherever it occurs, in section 172 of the principal law shall be substituted by the words "application".

Amendment of section 173 of the principal law.

83. Section 173 of the principal law shall be amended as follows:

(a) the section shall be renumbered as subsection (1) thereof; and

(b) after subsection (1) as renumbered there shall be added the following new subsection:

"(2) Without prejudice to the foregoing provisions of this section the court may, at any stage of the proceedings —

(a) either on its own motion or on an application by any party to the proceedings, direct that the evidence of any person intended to be produced as a witness be taken before a judicial assistant or a supplementary judge at such place and time under such conditions as may be specified in the order;

(b) on an application by any party to the proceedings, desiring to confirm a fact stated in the application, or in a note accompanying it, by the affidavit of a person named by the party, order the person so named to appear for that purpose before a judicial assistant or supplementary judge at such place and time as may be specified in the order.

(3) In the case of an order given under paragraph (b) of subsection (2) of this section, the judicial assistant or supplementary judge shall ask the person named whether he confirms or denies each fact specified in the application or note and shall make a record of the replies given together with any other statement, if any, qualifying his reply, and cause such record to be confirmed on oath by the person aforesaid. The judicial assistant or supplementary judge shall insert the affidavit in the records of the case and cause a copy thereof to be served on the parties.

(4) Where an application as in referred to in paragraph (b) of subsection (2) of this section is filed together with any written pleading referred to in section 160 of this Code, the Court may direct that the service of such written pleading shall be suspended for such period, not exceeding three months, as the court may determine.".

84. Section 174 of the principal law shall be amended as follows: Amendment of section 174 of the principal law.

(a) paragraph (a) of subsection (1) thereof be substituted by the following new paragraph:

"(a) an indication of the court in which the pleading is filed, and, in the case of the Court of Magistrates (Gozo), an indication of the jurisdiction of the court;"; and

(b) the words "libel or" in paragraph (d) of subsection (1) thereof shall be deleted.

Substitution of section 175 of the principal law.

85. Section 175 of the principal law shall be substituted by the following:

"Power of court to order or permit amendment of written pleadings.

175. (1) The court may, at any stage of the proceedings, at the request of any of the parties, until judgment is delivered after hearing where necessary the parties, order the substitution of any act or permit any written pleading to be amended, either by adding or striking out the name of any party and substituting another name therefor or by correcting any mistake in the name or in the character of the parties, or by correcting any other mistake or by causing other submission of fact or of law to be added even by separate note, provided that no such substitution or amendment shall affect the substance either of the action or of the defence on the merits of the case.

(2) Any court of appellate jurisdiction may also order or permit, at any time until judgment is delivered, the correction of any mistake in the application by which the appeal is entered or in the answer, including any mistake in the indication of the Court which delivered the decision appealed from, in the name or character of the parties, or in the date of the judgment appealed from.

(3) Any judicial or administrative omission or mistake in a judical act may until the Court shall have delivered judgment and disposed of the case be remedied by a court of its own motion.".

Amendment of section 176 of the principal law.

86. In the proviso to subsection (1) of section 176 of the principal law for the words "written authority of the registrar," there shall be substituted the words "written authority of the registrar given before the filing of the act,".

Amendment of section 178 of the principal law.

87. Subsection (1) of section 178 of the principal law shall be substituted by the following new subsection:

"(1) The written pleadings shall be signed by the advocate and also by the legal procurator, if any.".

Amendment of section 180 of the principal law.

88. Subsection (1) of section 180 of the principal law shall be amended as follows.

(a) in paragraph (a) thereof, the words "or body corporate" shall be deleted and the words "commercial firm or partnership," shall be substituted by the words "commercial firm, or as any of the persons mentioned in subsection (2) of section 181A in the case of a body having a distinct legal personality,"; and

(b) the words "by a notarial instrument;" in paragraph (d) thereof shall be substituted by the words "by the party pleading whose signature is duly attested in accordance with subsection (2) of section 634;".

Amendment of section 181 of the principal law.

89. In subsection (2) of section 181 of the principal law, after the words "in an acting capacity in any such office" there shall be added the words "or where such office is merged with another office".

Addition of new section 181A to the principal law.

90. The following new section 181A shall be added after section 181 of the principal law:

"Written pleadings filed by or against a body having a distinct legal personality.

181A. (1) Where a written pleading is filed by or against a body having a distinct legal personality, it shall be sufficient to state the name of such body.

(2) Any declaration or pleading to be sworn in terms of law shall, in the case of a body having a distinct legal personality, be sworn by the person or persons vested with the legal or judicial representation thereof or by any company secretary or by any other person authorised in writing by such body to file judicial acts on its behalf or to make any such declaration, statement or pleading.

(3) When a written pleading is to be filed by or against a ship or other vessel, it shall be sufficient if there is designated the name of such ship or other vessel, as the case may be, and it shall not be necessary to mention the name of any person to represent such ship or other vessel:

Provided that the written pleadings mentioned in this subsection shall be served in accordance with the provisions of subsection (7) of section 187.".

Addition of new section 181B to the principal law.

91. Immediately after section 181A of the principal law there shall be added the following new section 181B:

'Judicial representation of Government.

181B. (1) The judicial representation of the Government in judicial acts and actions shall vest in the head of the Government Department in whose charge the matter in dispute falls:

Provided that, without prejudice to the provisions of this section:

(a) actions for the collection of amounts due to Government may in all cases be instituted by the Accountant General;

(b) actions involving questions relating to Government employment or to obligations to serve Government may in all cases be instituted by the Administrative Secretary:

(c) actions relating to contracts of supplies or of works with Government may in all cases be instituted by the Director of Contracts.

(2) The Attorney General shall represent Government in all judicial acts and actions which owing to the nature of the claim may not be directed against one or more heads of other Government departments.

(3) Every application, writ of summons or other judicial act filed against Government shall be served upon each head of a Government department against whom it is directed and upon the Attorney General and every time limit for the filing of any reply or statement of defence to any such act by any head of a Government department being a defendant or a respondent in judicial proceedings shall not commence to run before the act is served upon the head or heads of the Government Departments against whom it is directed and upon the Attorney General. The registrar shall not charge any fees for effecting the service on the Attorney General.".

Amendment of section 184 of the principal law.

92. Section 184 of the principal law shall be amended as follows:

(a) subsection (2) thereof shall be deleted;

(b) subsection (3) thereof shall be substituted by the following new subsection:

"(2) In all cases, the registrar shall, upon a request to that effect, state in writing the reason for his refusal.".

Substitution of section 185 of the principal law.

93. Section 185 of the principal law shall be substituted by the following section:

"Service on all parties.

185. Saving the provisions of subsection (1) of section 186, where an act is to be served on two or more persons even if they live together in the same address each of them shall be served with a copy of such act.".

Amendment of section 186 of the principal law.

94. Section 186 of the principal law shall be amended as follows:

(a) the words "When the parties pleading are two or more, they shall," in subsection (1) thereof be substituted by the words "Where two or more parties are pleading together, they may"; and

(b) the words "such persons shall" in subsection (2) thereof shall be substituted by the words "such persons may".

Amendment of section 187 of the principal law.

95. Section 187 of the principal law shall be amended as follows:

(a) after subsection (1) of section 187 of the principal law there shall be added the following:

"Provided that where a person to whom a pleading is addressed refuses to receive it personally from an executive officer of the courts, the court may upon an application by the

interested party and after hearing the executive officer of the courts and considering all the circumstances of the incident, declare by means of a decree that service shall have been effected on the day and time of the refusal and such decree shall be considered as a proof of service for all purposes of law.";

(b) subsections (3) and (4) thereof shall be substituted by the following:

"(3) If it appears from the certificate of the officer charged with the service of a written pleading or any judicial act that, although it does not result that the person upon whom such a pleading or act is to be served, is abroad, access to his place of residence cannot be obtained, or his place of residence in not known, the court may direct service to be effected by the posting of a copy of the written pleading or act at the place, in the town or district in which official acts are usually posted up, and by publishing a summary of such written pleading or act in the Gazette and in one or more daily newspapers as the court may direct and, where possible, when the residence is known, by posting up a copy of the pleading on the door leading to such residence. The court may also adopt such other measures as it may deem fit to bring the pleading or act to the notice of the person upon whom the same is to be served. In such cases, service shall be deemed to have been made on the third working day after the date of last publication or after the date of such posting, whichever is the later. In cases where service has been ordered with urgency, service shall be deemed to have been made at such time, after posting or publication as the court may determine, which time is to be stated in the publication or posting.

(4) In the case of a body having a distinct legal personality, service on such body shall be effected by leaving a copy of the pleading:

(a) at its registered office, principal office, or place of business or postal address with any of the persons mentioned in subsection (2) of section 181A or with an employee of such body; or

(b) with any of the persons mentioned in subsection (2) of section 181A in the manner provided for in subsection (1) of this section."; and

(c) the following new subsections shall be added after subsection (4) thereof:

"(5) If it appears from the certificate of the officer charged with the service of a written pleading that service as provided in subsection (4) of this section has not been effected, the court may, if it appears that at least one of the persons mentioned in subsection (2) of section 181A is in Malta, direct service to be effected by the posting up of a copy of the written

pleading at the place in the town or district in which official acts are usually posted up, where the body has its registered office, principal office, or place of business, and by publishing a summary of such written pleading in the Government Gazette and in one or more daily newspapers as the court may direct and, where possible, by posting up a copy of the pleading on the door of the registered office, principal office, or place of business. The court may also adopt such other measures as it may deem fit to bring the pleading to the notice of any of the persons mentioned in subsection (2) of section 181A.

(6) Where it appears that all the persons mentioned in subsection (2) of section 181A are absent from Malta or there exist no such persons, the court shall appoint a curator in the interest of such body as provided for in paragraph (d) of section 929.

(7) In the case of an action against a ship or other vessel, service shall be effected by the delivery of a copy of the pleading to the master thereof or any other person acting in that behalf or, in the absence of such persons, on the agent of the ship or other vessel, as the case may be, or in the absence of such persons and agent, on curators appointed by the court in terms of section 929:

Provided that the court may also adopt such other measures as it may deem fit to bring the pleading to the notice of the person upon whom the same is to be served.

(8) Saving the provisions of section 193, service may also be effected by officers of the Post Office in such manner and under such rules in conformity with postal regulations as the Minister responsible for justice may order by notice in the Gazette:

Provided that, applications of appeal, and applications made under the provisions of the Constitution of Malta and the European Convention Act and writs of summons, shall be served by the executive officers of the courts.".

Cap. 319.

Substitution of section 190 of the principal law.

96. Section 190 of the principal law shall be substituted by the following new section:

"Service of acts and execution of warrants and orders in Malta.

190. (1) If an act filed in or a warrant or garnishee order issued by the Court of Magistrates (Gozo) is to be served or, as the case may be, executed in the Island of Malta, a copy thereof shall be transmitted by any officer of the said court to the registrar.

(2) The officer effecting service or execution shall deliver to the registrar the certificate of service or execution, duly confirmed on oath before the registrar who shall transmit it to any officer of the Court of Magistrates (Gozo).".

Amendment of section 191 of the principal law.

97. The words "mechanical means or by any photographic process" in subsection (1) of section 191 of the principal law shall be substituted by the words "mechanical or electronic means or by any photographic process".

Amendment of section 194 of the principal law.

98. In subsection (1) of section 194 of the principal law, the words "of the court room, at least two days before the day appointed for the hearing, saving the cases mentioned in the proviso to section 154." shall be substituted by the words "of the court room where the causes are to be heard at least one hour before the case is to be heard, saving urgent cases referred to in subsection (2) of section 154.".

Amendment of section 195 of the principal law.

99. Subsection (1) of section 195 of the principal law shall be substituted by the following new subsection:

"(1) A cause, when set down for trial, shall, unless otherwise provided for in this Code, be tried uninterruptedly to a conclusion.".

Substitution of section 196 of the principal law.

100. Section 196 of the principal law shall be substituted by the following new section:

"Absence of witness to be a good ground for adjournment.

196. (1) The absence of any witness regularly subpoenaed, shall be good ground for an adjournment of the cause, provided his evidence be shown to be material.

(2) The court may in this case appoint a supplementary judge to hear the evidence of such witness on such a day and at such a time as the court shall determine. Such day and time shall be prior to the date to which the cause is adjourned.".

Amendment of section 199 of the principal law.

101. Subsection (3) of section 199 of the principal law shall be substituted by the following new subsection:

"(3) In either case, if the plaintiff desires that the cause be restored to the list to be heard and determined upon the same acts, he shall, by means of an application to be filed within ten days, make a demand to that effect. Such demand shall be granted once only, and the court shall appoint a day for the trial of the cause at the expense of plaintiff, on condition that the plaintiff shall make payment, or deposit in the registry of the court before the day fixed for the trial, all the costs stipulated in the tariff, in the consequence of the non-appearance of plaintiff, or of his advocate or legal procurator, as the case may be.".

Amendment of section 201 of the principal law.

102. The words "the acts available" in section 201 of the principal law shall be substituted by the words "the acts available after hearing such evidence as the court may consider necessary".

Substitution of section 202 of the principal law.

103. Section 202 of the principal law shall be substituted by the following new section:

"Regulation of trial.

202. (1) The Court shall first appoint a date and time for a pretrial hearing of the cause.

(2) On the first day appointed for the pretrial hearing of the cause, the court shall identify and record the relevant points of law in question, and the points of fact which are in contention and the relative objects of proof to be made by each witness to be produced by the parties, and shall then proceed as follows:—

(a) if the court considers that the cause can be expeditiously disposed of during that sitting, it shall conclude the hearing in accordance with subsection (4) of this section during the first sitting and deliver, or adjourn the cause for, judgment;

(b) if the cause cannot be disposed of according to the provisions of paragraph (a) of this subsection, the court shall either fix a date and time for the hearing of the trial *viva voce* in accordance with subsection (4) of this section giving such orders or directives under section 173 as it may deem proper; and shall accordingly commence and continue to hear the trial of the cause on the date so fixed and continue such hearing uninterruptedly until the trial is concluded and the cause adjourned for judgment; or proceed in accordance with paragraph (c) of this subsection:

Provided that either party can, unless otherwise expressly ordered by the court, produce any evidence of witnesses by means of an affidavit, until the date fixed for the hearing;

(c) the court, before proceeding to hear the case in accordance with subsection (4) of this section shall:

(i) grant to the plaintiff or plaintiffs a period of forty days within which they are to produce and file in the registry of the court all documents relative to the claims, and all the evidence of the declared witnesses by means of affidavits; and to the defendant or defendants a period of forty days, to run from the expiration of the period granted to the plaintiffs, to produce and file in the registry of the court all documents relative to the defence, and all the evidence of the declared witnesses by means of affidavits:

Provided that the court may reduce any of the periods in cases where such is required because of the relative urgency of the cause, and may also reduce any of the said periods, or dispense with them altogether, according to circumstances, in cases where affidavits have been filed together with

the writ of summons or the statement of defence, and after taking into account any submissions made by the parties;

(ii) the court shall then adjourn the cause to a date as early as possible after the date by which the defendants are to file their evidence by affidavits as provided in subparagraph (i) of this paragraph for a second pretrial hearing. By such a date the parties shall by means of a note filed in the registry of the court, indicate the witnesses they intend to cross examine. At the second pretrial hearing the parties shall declare which points of law are still in question and which points of fact are still in contention. Taking into account the time likely to be taken for the hearing of the cause, the court shall then fix a date for the cross-examination *viva voce* of the witnesses subpoenaed for the purpose, and the uninterrupted continuation of the hearing of the cause until it is determined or adjourned for judgment, in accordance with subsection (4) of this section. No witness may be cross examined unless the intention to cross examine such witness has been declared as provided in this subparagraph;

(iii) if any of the parties finds difficulty in producing the evidence of any witness by affidavit as aforesaid, such party shall inform the court accordingly, by means of a note to be filed in the records of the cause, within the time fixed for the production of the evidence by such party, and the court shall exercise the powers conferred on it by paragraph (b) of subsection (2) of section 173 to ensure that such evidence is heard and produced within the time fixed in this subsection.

(3) Notwithstanding the foregoing provisions of this section:—

(a) in the causes referred to in subsection (7) of section 158, the court may grant more time to the attorney or curator therein mentioned as it may consider necessary for him to fully inform himself and produce the required evidence;

(b) in causes where any of the parties wishes to produce evidence which is to be obtained by letters of request or where documents have to be obtained from abroad, the court shall hear all the evidence otherwise available, and grant to the parties such time as is necessary to obtain the evidence or documents aforesaid;

(c) the court may also, in grave and justifiable circumstances which are to be recorded in the acts of the proceedings, extend or renew to the parties the time within which they are to produce their evidence by affidavit;

(d) the court either on its own motion, or on application by any party to the proceedings on good cause being shown, may at any time order that a particular witness or witnesses be heard *viva voce* before it; and may also recall any witness or witnesses to be so heard.

(4) After the termination of the pretrial hearing or hearings the order to be followed in the trial of a cause shall be as hereunder:

(a) the court shall, where it has not proceeded in accordance with paragraph (c) of subsection (2) of this section, give such directives as it may deem necessary as to the production of evidence;

(b) the witnesses of the plaintiff whose evidence has been produced by affidavit shall be cross examined, and in the case where the court has not proceeded in accordance with paragraph (c) of subsection (2) of this section the plaintiff shall produce his evidence;

(c) the witnesses of the defendant whose evidence has been produced by affidavit shall be cross examined, and in the case where the court has not proceeded in accordance with paragraph (c) of subsection (2) of this section, the defendant shall produce his evidence;

(d) the plaintiff submits his case and the defendant makes his reply;

(e) the court in appropriate circumstances may allow a further reply by plaintiff and rejoinder by defendant.".

Substitution of section 203 of the principal law.

104. Section 203 of the principal law shall be substituted by the following:

"Power of court to vary order of production of evidence.

203. It shall in all cases be lawful for the court, for just cause to be recorded in the acts of the proceedings, to regulate otherwise the production of evidence by varying the order set forth in the preceding section.".

Amendment of section 205 of the principal law.

105. The words "as if that party had failed to appear" in subsection (2) of section 205 of the principal law shall be substituted by the words "after hearing such evidence as the court may consider necessary".

Amendment of section 207 of the principal law.

106. The words "section 202" wherever they appear in section 207 of the principal law shall be substituted by the words "subsection (3) of section 202".

Amendment of section 209 of the principal law.

107. Section 209 of the principal law shall be amended as follows:

(a) subsection (1) thereof shall be substituted by the following new subsection:

"(1) In the Court of Appeal, if, when the cause is called, it is found that security for the costs of the suit is not produced as provided in section 249, the court shall forthwith proceed to declare the appeal abandoned:

Provided that the court may grant the appellant a short time to produce security for costs if the appeal is one which is to be heard with urgency, or if the registrar has not:

(a) fixed the amount for such security; and

(b) notified the appellant accordingly indicating in such notice the consequences of his default, at least ten days prior to the hearing.";

(b) subsection (2) thereof shall be deleted; and

(c) subsection (3) thereof shall be renumbered as subsection (2) thereof.

Amendment of section 218 of the principal law.

108. The words "such recital of the claim and the answer as the Court may deem proper to render the judgment intelligible." in section 218 of the principal law shall be substituted by the words "a reference to the proceedings, the claims of the plaintiff and the pleas of defendant.".

Amendment of section 223 of the principal law.

109. The following subsection shall be added to section 223 of the principal law:

"(5) In the case where an *ex parte* expert witness is produced by any of the parties in a cause, the court shall in the definitive judgment establish a fair amount which can be claimed as costs for the said witness. In determining the said amount, the court shall take into account the seriousness of the claims, in the case of an expert witness not resident in Malta, whether local expertise was available and all the other circumstances of the case. The court shall also establish how the said costs are to be apportioned between the parties to the cause.".

Substitution of section 226 of the principal law.

110. Section 226 of the principal law shall be substituted by the following new section:

"Time for filing application of appeal.

226. (1) An appeal is entered by means of an application to be filed in the registry of the Court of Appeal within twenty days from the date of the judgment.

(2) Where an appeal is not entered from the whole judgment, there shall be stated in the application of appeal, the heads of the judgment against which an appeal is entered.".

Substitution of section 227 of the principal law.

111. Section 227 of the principal law shall be substituted with the following:

"227. Judgments delivered by the Court of Appeal are not appealable.".

Amendment of section 228 of the principal law.

112. In subsection (2) of section 228 of the principal law for the words "fifty Maltese liri" there shall be substituted the words "two hundred liri" and after the words "determined in the judgment" there shall be added the words "or the determination of a claim for the eviction of any person from immovable property".

Substitution of section 229 of the principal law.

113. Section 229 of the principal law shall be substituted by the following new section:

"Appeal from decrees.

229. (1) An appeal from the decrees mentioned hereunder shall only lie after the definitive judgment and together with an appeal from such judgment, and such decrees may not be challenged before the definitive judgment is delivered:

(a) a decree allowing a request for urgency;

(b) any order or directive under the provisions of section 173;

(c) a decree allowing or disallowing a request for the adjournment of a cause under subsection (3) of section 195;

(d) a decree allowing or disallowing an objection to the competency of a witness under section 567;

(e) a decree allowing or disallowing a request to put questions to a witness under section 587;

(f) a decree allowing or disallowing a request for the production of documents under section 637;

(g) the appointment of a referee under section 646;

(h) a decree allowing or disallowing a request for the connection of actions under subsection (1) of section 793;

(i) a decree allowing or disallowing a request for suspending the delivery of a decree;

(j) a decree allowing or disallowing the expunging of a document from the records of the case;

(k) subject to the provisions of this section, a decree allowing or disallowing a request for the revocation or amendment of a decree;

(l) a decree disallowing a request for special leave to appeal under subsection (5) of this section;

(m) a decree disallowing a request for stay of proceedings.

(2) A decision of the court in the cases listed hereunder shall be given by a decree to be read out in open court on a day duly notified to the parties, and an appeal from such decree may be entered before the definitive judgment subject to the procedure laid down in subsections (4) and (5) of this section:

(a) a decree refusing the appointment of additional referees under section 674;

(b) a decree transferring an action for trial to another court under section 792;

(c) a decree refusing the joinder of a third party under section 961;

(d) a decree disallowing a request for urgency;

(e) a decree ordering the stay of proceedings.

(3) Save as otherwise specifically provided for in this Code an appeal from any other decree not included in subsections (1) and (2) of this section may be entered before the definitive judgment only by special leave of the court hearing the case, to be requested by an application to be filed within six days from the date on which the decree is read out in open court. The court, after hearing the parties, may grant such leave of appeal if it deems it expedient and fair that the matter be brought before the Court of Appeal before the definitive judgment.

(4) In the case of any decree under subsections (2) and (3) of this section, provided that an application for an appeal has not been filed, the aggrieved party may file an application within six days from the date on which the decree is read out in open court, requesting the court which delivered the decree to reconsider its decision. The application is to contain full and detailed reasons in support of the request and is to be served on the other party who shall have the right to file an answer thereto within six days from the date of service.

(5) The court shall decide, as expeditiously as possible by decree to be read out in open court, the application for special leave to appeal in terms of subsection (3) of this section or the application to reconsider its decision in terms of subsection (4) of this section, expounding fully therein the reasons for the decision.

(6) The period for appeal from a decree before a definitive judgment shall be six days from the date on which the decree is read out in open court:

Provided that in the cases contemplated in subsections (3) and (4) of this section such term for appeal shall run from the day on which the decrees in terms of subsection (5) of this section are read out in open court.

(7) Subject to the provisions of this section, the provisions of this Code relating to appeals from judgments shall apply to appeals from decrees under this section.

(8) The security referred to in section 249 shall not be required in the cases referred to in subsection (6) of this section.

(9) In the case of any frivolous or vexatious appeal, the Court of Appeal shall award double costs against the appellant in favour of the respondent, and may condemn appellant to pay respondent a sum not exceeding one thousand liri by way of penalty, saving any right for damages that may be competent to respondent.".

Substitution of section 231 of the principal law.

114. Section 231 of the principal law shall be substituted by the following new section:

"Appeal in case of separate judgments on several issues in the same action.

231. (1) Where several issues in an action have been determined by separate judgments, appeal from any such judgments may only be entered after the final judgment and within the prescribed time, to be reckoned from the date of such final judgment; and in such an appeal express mention of the judgment or judgments appealed from shall be made:

Provided that an appeal from such separate judgments may be entered before the final judgment only by leave of court to be read out in open court; such request for leave to appeal shall be made either orally immediately after the delivery of such judgment or by application within six days from such judgment.

(2) In an action involving more than one plaintiff or more than one defendant a judgment disposing of the action in respect of any particular plaintiff or defendant may only be appealed from within the prescribed time to be reckoned from the date of such judgment.".

115. Section 233 of the principal law shall be substituted by the following new section: Substitution of section 233 of the principal law.

"Power of appellate court to assess damages, interest or fruits.

233. (1) Where an appellate court reverses a judgment and allows the claim for damages or interest or for the recovery of fruits, it shall make such assessment without sending back the record to the court of first instance, unless the court for exceptional reasons considers it to be in the interest of justice to send back the cause to the court of first instance.

(2) Likewise the appellate court shall, in the case of reversal of a judgment of nonsuit of plaintiff or of a judgment given under the provisions of subsection (1) or subsection (2) of section 170, either remit the records to the court of first instance or determine the merits, according to circumstances.".

116. The word "decree" in section 234 of the principal law shall be substituted by the word "judgment". Amendment of section 234 of the principal law.

117. The words "the time of ten days" in the first proviso to section 235 of the principal law shall be substituted by the words "the time of fifteen days". Amendment of section 235 of the principal law.

118. Section 239 of the principal law shall be amended as follows: Amendment of section 239 of the principal law.

(a) the words "they are registered" in subsection (1) thereof shall be substituted by the words "they are enrolled"; and

(b) subsection (2) thereof shall be substituted by the following new subsection:

"(2) Any interested party may obtain enrolment by delivering to the said registry a note of enrolment together with an authentic copy of the judgment as well as a certificate from the registrar that the judgment has become *res judicata*. The provisions of the Public Registry Act shall apply to the drawing up and filing of the said note.". Cap. 56.

119. Section 240 of the principal law shall be substituted by the following new section: Substitution of section 240 of the principal law.

"Cross Appeal.

240. (1) Any party may avail himself of an appeal entered form a judgment, including a partial judgment and from a head or heads of any judgment, or from an interlocutory decree and may enter a cross appeal not only in respect of the judgment, partial judgment, head or heads of a judgment, or interlocutory decree appealed from, but also in respect of any judgment or heads thereof or interlocutory decrees given in the same cause even if not appealed from by the appellant. Such cross appeal may be made even against or by any party not being one against whom a cross appeal is directed in terms of subsection (1) of section 144:

Provided that a party may not so avail himself of the appeal in respect of the particular judgment, if he has already appealed from such judgment or any head thereof.

(2) The party who intends to avail himself of such appeal shall make a declaration to that effect in the answer stating therein his demands and the grounds for his cross appeal.".

Substitution of section 242 of the principal law.

120. Section 242 of the principal law shall be substituted by the following new section:

"Notice as to validity of laws. Cap. 319

242. When a court, by a judgment which has become *res judicata*, declares any provision of any law to run counter to any provision of the Constitution of Malta or to any human right or fundamental freedom set out in the First Schedule to the European Convention Act, or to be *ultra vires*, the registrar shall send a copy of the said judgment to the Speaker of the House of Representatives, who shall during the first sitting of the House following the receipt of such judgment inform the House of such receipt and lay a copy of the judgment on the table of the House.".

Amendment of section 243 of the principal law.

121. The words "for entering an appeal, or" in subsection (1) of section 243 of the principal law shall be deleted.

Substitution of section 244 of the principal law.

122. Section 244 of the principal law shall be substituted by the following new section:

"Lodging of record.

244. (1) On appeal proceedings being taken, the record of the proceedings of the first court shall be lodged before the appellate court.

(2) The fee prescribed for the lodging of the record shall be paid concurrently with the fee for the filing of the application.".

Substitution of section 245 of the principal law.

123. Section 245 of the principal law shall be substituted by the following new section:

"Mode of lodging record.

245. In regard to appeals from judgments or decrees of the Civil Court, First Hall, and from determinations by the Rent Regulation Board, the lodging of the record shall be effected as soon as possible by the production thereof before the Court of Appeal by the registrar.".

Repeal of section 246 of the principal law.

124. Section 246 of the principal law shall be repealed.

125. Section 247 of the principal law shall be substituted by the following new section: Substitution of section 247 of the principal law.

"Lodging of record in appeals from inferior court to Court of Appeal.

247. (1) In regard to appeals from judgments of the Court of Magistrates (Gozo) and from judgments of the Court of Magistrates (Malta), the lodging of the record shall be effected by the transmission thereof by any officer of the court concerned to the registrar in the Court of Appeal.

(2) For the purposes of subsection (1) of this section —

(a) the registrar shall, on the same day on which an appeal is entered, notify in writing the entering of such appeal to the officer of the court concerned;

(b) when notification is made to any officer of the Court of Magistrates (Gozo), the registrar shall, in addition to the notification in writing, make notification by telefax or other electronic device or orally by telephone.

(3) In respect of appeals entered against a judgment of the Court of Magistrates (Gozo), the transmission of the record shall be deemed to have been effected by the delivery of the record addressed to the registrar, to the Post Office, in Victoria. Gozo.".

126. Section 248 of the principal law shall be repealed. Repeal of section 248 of the principal law.

127. Section 249 of the principal law shall be substituted by the following new section: Substitution of section 249 of the principal law.

"Security for costs.

249. (1) Saving the provisions of the proviso to subsection (1) of section 209 and unless otherwise provided in any other law, in the case of an appeal from judgments or decrees given in a cause initiated by writ of summons, security for costs is to be produced and deposited in court at least one day before the date of the hearing of such appeal.

(2) Such security shall be in an amount determined by the registrar and is to be made either by a deposit of ready money or by a guarantee of a bank licensed in terms of the Banking Act in accordance with Schedule C to this Code.

Cap. 215.

(3) The deposit shall not be subject to the claims of the creditors of the party making such deposit, so long as it remains to meet the costs of the suit.

(4) The Government of Malta, public corporations, the Central Bank of Malta and banks licensed under the Banking Act are exempt from giving the said security.

(5) The Minister responsible for justice may by regulations exempt any other category of persons or bodies from providing the said security.

(6) The provisions of sections 893 to 905 where inconsistent with this section shall not apply to the security given under this section.".

Amendment of section 250 of the principal law.

128. The words "or in the case of an appeal entered by a Government department or by any administration under the Government," in section 250 of the principal law shall be deleted.

Amendment of section 251 of the principal law.

129. The words "sections 226 and 242" in section 251 of the principal law and in the marginal note thereto shall be substituted by the words "section 226".

Amendment of section 255 of the principal law.

130. The words "of any person or" in paragraph (b) of section 255 of the principal law shall be deleted.

Substitution of section 258 of the principal law.

131. Section 258 of the principal law shall be substituted by the following new section:

"Procedure for enforcement of executive titles after lapse of five years.

258. Where a period of five years has expired since the day on which according to law any of the executive titles mentioned in section 253 could have been enforced, the enforcement may only be proceeded with upon a demand to be made by an application filed before the competent court. The applicant shall also confirm on oath the nature of the debt or claim sought to be enforced, and that the debt or part thereof is still due.".

Amendment of section 259 of the principal law.

132. Section 259 of the principal law shall be amended as follows:

(a) the words "by writ of summons" in subsection (1) thereof shall be substituted by the words "by application"; and

(b) the following new subsection shall be added after subsection (3) thereof:

"(4) The heirs, successors or assignees of the creditor may, by application served on the debtor, his successors or assignees, request the court to enforce any executive title in the name of the creditor even though the period referred to in the previous section shall not have elapsed. Such request shall be allowed by the court if it is satisfied that:

(a) the applicants are the sole heirs, successors or assignees of the creditor;

(b) the executive title is still valid for what is being claimed; and

(c) the persons against whom enforcement is sought are the debtor, or his heirs, successors or assignees.".

133. The words "in section 254 and" in section 267 of the principal law shall be deleted.

Amendment of section 267 of the principal law.

134. The word "254," in section 268 of the principal law shall be deleted.

Amendment of section 268 of the principal law.

135. Section 270 of the principal law shall be substituted by the following new section:

Substitution of section 270 of the principal law.

"Condition for registration in Public Registry of notes of reference deriving from a judgment.

270. The Director of the Public Registry shall not receive any note of reference resulting from a judgment relating to any hypothecary registration unless an authentic copy of the judgment together with a certificate from the registrar that no appeal against such judgment has been entered and that the time for entering an appeal has elapsed or that the judgment is not subject to appeal, as the case may be, are delivered to the said registry with the aforementioned note:

Provided that the foregoing shall not apply where the Director of the Public Registry is party to the suit, in which case he shall take the necessary steps as aforesaid as soon as the judgment has become a *res judicata.*".

Amendment of section 274 of the principal law.

136. The words "over the signature of the registrar personally" in the proviso of subsection (1) of section 274 of the principal law shall be substituted by the words "over the signature of the registrar personally after having first obtained verbal authorisation from the judge or magistrate to do so, the judge or magistrate is also to append his own signature under that of the registrar at the earliest opportunity as proof that the said authority had been given or, if it is not possible for the registrar to obtain beforehand such authorisation, the registrar shall issue the said warrant or order over his signature subject to the ratification of such action by a judge or magistrate as soon as possible".

Amendment of section 275 of the principal law.

137. Subsection (1) of section 275 of the principal law shall be substituted by the following:

"(1) Such demand shall be made by an application.".

Amendment of section 280 of the principal law.

138. Subsection (1) of section 280 of the principal law and the marginal note thereto shall be substituted by the following:

"Time for execution of warrants and orders.

280. (1) Saving the exceptions laid down in this Code, no warrant or garnishee order shall be executed at any time before six o'clock in the morning or after eight o'clock in the evening, under pain of nullity of the execution.".

Amendment of section 283 of the principal law.

139. The words "fine *(ammenda)* not exceeding one lira to be awarded by the Court of Revision of Notarial Acts" in subsection (1) of section 283 of the principal law shall be substituted by the words "penalty not exceeding twenty liri, or such greater sum not being more than one hundred liri as the Minister responsible for justice may from time to time by order in the Gazette establish, to be awarded by the Court and enforceable as a civil debt".

Addition of new section 283A in the principal law.

140. There shall be added the following new section after section 283 of the principal law:

"How executive acts may be impugned. Appeal from decree.

283A. (1) Without prejudice to any other right under this or any other law, the person against whom an executive act has been issued, may, make an application to the court issuing the executive act praying that the executive act be revoked, either totally or partially for any reason valid at law.

(2) The court shall appoint the application referred to in subsection (1) of this section for hearing, and shall hear the same within six days from the filing of the said application.

(3) A copy of the application shall be served on the person at whose request the executive act was issued who shall not later than the day fixed for the hearing of the application state the reasons, if any, why such request should not be acceded to. In default of such opposition the court shall accede to the request.

(4) After hearing the parties, the court shall by a separate decree given in open court, either reject the application or accede to the request in the application under such conditions as it may deem fit to impose.

(5) An appeal from a decree delivered under subsection (4) of this section may be entered by application within six days from the date on which the decree is read out in open court.

(6) The security referred to in section 249 shall not be required in the cases referred to in the previous subsection.".

141. Section 292 of the principal law shall be substituted by the following new section:

Substitution of section 292 of the principal law.

"Appointment of consignatary by marshal.

292. (1) If the debtor fails to present a consignatary acknowledged to be suitable and not excepted under section 293, a consignatary shall be appointed by the marshal at the provisional expense of the creditor.

(2) If no consignatary is found, the marshall shall report the matter to the court and the court may, after hearing the creditor if necessary, order the marshal to take possession of the property seized and to deposit it under the authority of the court by means of a lodgement schedule at the provisional expense of the creditor and the registrar shall also ensure that such property where possible, is kept insured against damage and theft at the provisional expense of the creditor. The initial period of insurance shall be for a period of one year.

(3) The court may at any time on a request by application of the creditor, debtor, or any other interested party give such orders as it may deem necessary concerning the consignatary, including his substitution, and may give such other directives it deems necessary for the better safekeeping of the goods seized.".

Substitution of section 298 of the principal law.

142. Section 298 of the principal law shall be substituted by the following new section:

"Consignatary not to make use of property seized.

298. (1) The consignatary shall not make use of the property seized, nor shall he allow the debtor to use or remain in possession of the property seized nor shall he give out such property on hire or loan, under pain of forfeiting any expense incurred in connection with the custody of such property and of being condemned to the payment of damages and interest:

Provided that the debtor may be allowed to use or remain in possession of such items of the property seized as the court may authorise if it considers that such items are normally required by an average household for decent living to maintain the human dignity of the debtor and his family.

(2) Where the property seized is of a perishable nature, the court may of its own motion or at the request of any person, order the consignatary to sell the perishable goods under such conditions as the court may determine and the proceeds thereof shall be deposited by the consignatary by means of a lodgement schedule in the registry of the competent court and such proceeds shall to all intents and purposes of law represent the seized goods.".

Amendment of section 300 of the principal law.

143. The words "*bonus paterfamilias*, and may be compelled" up till the words "the warrant is revoked." in section 300 of the principal law shall be substituted by the words "*bonus paterfamilias*; if the consignatary fails to present such property when called upon to do so, the court may order him to appear before it to explain his failure to do so and the court, after examining the circumstances of the case, may issue such orders including the consignatary's personal arrest, to compel him to present such property. The consignatary's failure to present such property when ordered by the court shall of itself constitute contempt of court.".

Amendment of section 304 of the principal law.

144. Paragraphs (a), (b) and (g) of section 304 of the principal law shall be respectively substituted by the following new paragraphs:

"(a) such clothes for daily wear, bedding and such utensils and furniture as are considered reasonably necessary for the decent living of the debtor and his family;

(b) books relating to the profession of the debtor or of his children;

(g) any property of any member of the Police Force or of the Armed Forces of Malta being arms, ammunition, equipment, instruments or clothing used by him in the discharge of his duties:".

145. Section 305 of the principal law shall be amended as follows:

Amendment of section 305 of the principal law.

(a) subsection (1A) thereof shall be deleted;

(b) the proviso to subsection (2) thereof shall be substituted by the following:

"Provided that if the demand is for the sale of a going concern, the court may accede to such a demand stating in detail in the decree that it considers it in the best interest of the debtor and the creditor to accede to such a demand.";

(c) subsection (2A) thereof shall be deleted;

(d) the following new subsections shall be added after subsection (3) thereof:

"(4) In the event of a decree as provided in the proviso to subsection (2) of this section the procedure to be followed shall be that laid down in this Sub-title for the judicial sale by auction of immovable property.

(5) For the purpose of this Sub-title the term "going concern" shall mean a firm which is still doing business and shall also mean such part of the estate of the debtor which is used or operative in a unified and complimentary manner, so that the sale of part or parts thereof without the other part or parts will render the assets sold, of lesser use or value to a purchaser and shall include all corporeal assets such as consumables, machinery, equipment and stock, but excluding all incorporeal assets other than intellectual property rights, and such other rights as may be determined by the court.".

146. Section 307 of the principal law shall be amended as follows:

Amendment of section 307 of the principal law.

(a) the proviso to subsection (1) thereof shall be deleted;

(b) subsections (1A) and (1B) shall be deleted; and

(c) the following new subsection shall be added immediately after subsection (3) thereof:

"(4) An appraisal made in conformity with the provisions of subsection (1) of section 310 and existing in the records of a sale by auction may be accepted by the court to be the appraisement for the purpose of this section.".

Amendment of section 308 of the principal law.

147. The words "by writ of summons," in subsection (3) of section 308 of the principal law shall be substituted by the words "by application,".

Amendment of section 310 of the principal law.

148. The words "stating the burdens," in subsection (1) of section 310 of the principal law shall be substituted by the words "stating the burdens, leases and other rights whether real or personal,".

Amendment of section 311 of the principal law.

149. Section 311 of the principal law shall be amended as follows:

(a) subsections (2) and (3) thereof shall be substituted by the following new subsections:

"(2) Where a sale by auction of immovable property or of rights annexed to immovable property situated in the Island of Gozo or of Comino, is ordered by any of the superior courts, it shall be lawful for such court to order the referee to swear his report at the Courts of Magistrates (Gozo) in the presence of any of the officers mentioned in paragraphs (a) to (c) of subsection (2) of section 57, and to deliver the said report, so sworn, to the said officer, to be by him transmitted to the superior court which made the aforesaid order.

(3) Where a sale by auction of immovable property or of rights annexed to immovable property situate in the Island of Malta, is ordered by the Court of Magistrates (Gozo), it shall be lawful for such court to order the referee to swear his report in the presence of the registrar and to deliver the said report, so sworn, to the said registrar, to be by him transmitted to the Court of Magistrates (Gozo)."; and

(b) the words "to the court." in subsection (4) thereof shall be substituted by the words "to the court. Such appeal shall be made by application.".

Amendment of section 312 of the principal law.

150. Subsection (1) of section 312 of the principal law shall be substituted by the following new subsection:

"(1) After the lapse of two days from the service of the decree ordering the sale by auction, or from the filing of the report of the referee, the court shall appoint one or more days for the sale by auction, and order the issue of advertisements.".

Amendment of section 313 of the principal law.

151. The words "the thing to be sold," in subsection (1) of section 313 of the principal law shall be substituted by the words "the thing to be sold with the relevant details thereof,".

Substitution of section 314 of the principal law.

152. Section 314 of the principal law shall be substituted by the following:

"Service and publication of advertisement of sale by auction.

314. (1) The advertisement shall be served by the marshal on the debtor, the execution creditor, and all other creditors who may have obtained a warrant of seizure of the article sold, or of a garnishee order duly served on the registrar.

(2) The court shall order such advertisement to be published in one or more daily newspapers.

(3) The publication of the advertisement shall unless the court otherwise directs, take place, as regards the sale of immovable property or of ships or other vessels, or aircraft, at least fifteen days before the day appointed for the sale by auction, and as regards other movable property at least four days before the date appointed for the sale.".

Amendment of section 316 of the principal law.

153. Section 316 of the principal law shall be amended as follows:

(a) paragraph (a) of subsection (1) thereof shall be substituted by the following new paragraph:

"(a) in the building of the courts of justice; or"; and

(b) the following subsection (3) shall be added after subsection (2) thereof:

"(3) In the case of a judicial sale by auction of listed securities in the Stock Exchange, the auction shall be held by a licensed stockbroker according to the provisions of section 9 of the Stock Exchange Act.". Cap. 345.

Amendment of section 318 of the principal law.

154. The words "Property may be sold" in section 318 of the principal law shall be substituted by the words "Subject to the provisions of section 305, property may be sold", and the proviso thereof shall be deleted.

Substitution of section 319 of the principal law.

155. Section 319 of the principal law shall be substituted by the following new section:

"Opening of sale by auction.

319. (1) The auction shall be conducted by the registrar or the auctioneer or broker appointed by the court to conduct the auction.

(2) Bids are made orally. Each bid shall be announced at least three times, unless a higher bid is previously made. The highest bidder, within the time stated in the advertisement, shall be the purchaser.

(3) The auctioneer or broker shall be entitled to a fee to be taxed by the registrar according to law.".

Amendment of section 320 of the principal law.

156. Subsections (2) and (3) of section 320 of the principal law shall be deleted.

Repeal of section 321 of the principal law.

157. Section 321 of the principal law shall be repealed.

Amendment of section 322 of the principal law.

158. Subsection (3) of section 322 of the principal law shall be substituted by the following new subsection:

"(3) No bids shall be accepted subject to the condition of the issue of edicts.".

Amendment of section 324 of the principal law.

159. The proviso to section 324 of the principal law shall be substituted by the following:

"Provided that the provisions of paragraph (a) of this section shall not apply to the sale of movable property not being ships or other vessels, aircraft, gold or silver articles, shares or insurance policies.".

Substitution of section 325 of the principal law.

160. Section 325 of the principal law shall be substituted by the following new section:

"Appointment of another day for continuation of sale. Adjudication to be made on such other day. Saving.

325. (1) In the cases referred to in the last preceding section, the registrar shall by means of a note inform the court that the adjudication has not been made, indicating the reason therefor, and the court shall appoint another day for the continuation of the auction, and shall order the publication of a fresh advertisement stating therein that the property to be sold by auction will be adjudicated for any offer. The adjudication shall be made on the day named in such advertisement, unless the court, upon the demand of the creditor or any interested party other than the debtor, shall, for just cause, grant another adjournment, at the expense of the person making the demand, in which case a fresh advertisement shall be published. Such adjudication shall be made subject to the provision of section 327.

(2) When the auction does not take place for any reason other than those mentioned in section 324, the procedure mentioned in subsection (1) of this section shall *mutatis mutandis* apply.

(3) The provisions of subsections (2) and (3) of section 314 shall apply in the cases mentioned in subsections (1) and (2) of this section.".

161. Section 326 of the principal law shall be amended as follows: Amendment of section 326 of the principal law.

(a) the words "less than four working days" in subsection (3) thereof shall be substituted by the words "less than six days"; and

(b) subsection (4) of section 326 of the principal law shall be substituted by the following new subsection:

"(4) Any interested person may by application request the court to revoke *contrario imperio* its decree authorising the suspension of the auction or of the adjudication, and the court shall summarily hear the parties before delivering its decree. Any such decree may not be challenged in any court.".

162. Section 327 of the principal law shall be amended as follows: Amendment of section 327 of the principal law.

(a) the words "within the meaning of section 322," in subsection (1) thereof shall be deleted;

(b) the following new proviso shall be added to subsection (1) thereof

"Provided that the higher bid mentioned in this subsection shall in the case of an adjudication of an immovable be higher than three per cent of the price of adjudication and in the case of a going concern not be less than ten per cent of the price of adjudication.";

(c) the words "and the new bidder." in subsection (2) thereof shall be substituted by the words "and the new bidder. The court shall also order the registrar to publish a fresh advertisement in the Gazette and in a daily newspaper which shall specify that the final adjudication is not taking place as a higher bid has been made within fifteen days from the adjudication in terms of subsection (1) of this section, and shall indicate the day appointed for the final adjudication."; and

(d) subsection (3) thereof shall be deleted.

163. The words "four days" in section 328 of the principal law shall be substituted by the words "seven days". Amendment of section 328 of the principal law.

164. The following new subsection shall be added after subsection (2) of section 331 of the principal law:— Amendment of section 331 of the principal law.

"(3) In the case of ships or other vessels or aircraft, the court may make such orders, as it may deem fit, to ensure that the property adjudicated be delivered to the purchaser forthwith, upon the purchaser giving such security as the court may determine to

safeguard the claims of the parties. Such orders may also be made in other cases in which the court considers that delay in the delivery of the property can cause serious prejudice to the purchaser. An order made under this subsection shall not be challenged in any way and shall be implemented forthwith.".

Amendment of section 335 of the principal law.

165. The words "future proceeds thereof" in subsection (3) of section 335 of the principal law shall be substituted by the words "future proceeds thereof, and any warrant of impediment of departure of the ship or other vessel put up for sale".

Amendment of section 338 of the principal law.

166. Section 338 of the principal law shall be amended as follows:

(a) the words "or garnishee order" in subsection (1) of section 338 shall be substituted by the words "or garnishee order or impediment of departure";

(b) subsections (2) and (3) thereof shall be substituted by the following:

"(2) The persons so served shall be allowed the time of three days to file an answer stating in detail the reasons for their opposition and the amounts in contestation; and where such opposition is based on a claim against the proceeds of sale and an alleged cause of preference, they are to state the amount of such claim and the basis for the preference. Such persons shall with the answer file all relevant evidence to substantiate their opposition.

(3) In the event of an answer opposing the demand for approval made in accordance with subsection (2) of this section, the court shall allow the applicant three days to file a reply together with any evidence to rebut the opposition, and after summarily hearing the parties, shall make such orders as it considers fit in the circumstances."; and

(c) the following new subsections shall be added after subsection (3) thereof:

"(4) The court may approve the set off subject to the condition that adequate security be provided by the applicant to secure the claims of all persons who until such date have made opposition in accordance with subsection (2) of this section:

Provided that the court may, at any time, dispense the applicant from providing the aforesaid security or release or reduce such security as may have been provided if it deems that the claim or opposition made is in whole or in part frivolous or vexatious:

Provided further that in the event that the applicant has already provided security in accordance with subsection (3) of section 331, the court may order such security to be maintained or reduced as it may deem appropriate.

(5) The court may at any time order the opposing party or parties to provide adequate security in such amount and within such time as may be determined by the court in order to secure any claims the applicant may have against such opposing party for any damages caused through such opposition. In case such security is not provided, the court shall make such orders as it deems fit including an order that any security already provided by applicant be released in whole or in part.

(6) Where security have been provided in accordance with this section or in accordance with subsection (3) of section 331, then any interested party may commence proceedings in accordance with the procedure laid down in section 416 for the final determination of any issues relative to such security.

(7) Any orders made by the court in accordance with this section, other than any determination under subsection (6) of this section, shall be final and may not be challenged in any way and shall be implemented forthwith.".

167. Section 340 of the principal law shall be amended as follows: Amendment of section 340 of the principal law.

(a) the following provisos shall be added to subsection (1) thereof:

"Provided that any person who has made a bid *animo compensandi* under the condition specified in section 334 shall, within six days from the date on which he is served with the court order rejecting his application for the set off, pay the price in the registry of the court in which case the provisions of this section shall not apply. In the event that such party fails to pay the price within such time limit, section 329 shall apply:

Provided further that in the event that the property adjudicated is transferred and delivered to the purchaser in terms of subsection (3) of section 331 the provisions of this section shall not apply and the provisions of subsection (6) of section 338 shall apply to the security ordered to be provided by the court."; and

(b) subsection (2) thereof shall be substituted by the following subsection:

"(2) If the set-off be approved unconditionally, the purchaser shall be entitled to the formal transfer and delivery of the movable property adjudicated or, in the event that the

property had already been delivered under subsection (3) of section 331, the purchaser shall be entitled to the release of any security made by him.".

Substitution of section 346 of the principal law.

168. Section 346 of the principal law shall be substituted by the following:

"Right of other creditors to continue auction.

346. (1) Any other creditor may by a note to be served on the execution creditor and the debtor join in the auction proceedings as an additional execution creditor and such additional execution creditor shall have the same rights and obligations as the original execution creditor.

(2) Any execution creditor can continue the auction proceedings independently of the withdrawal by, or the death of any other execution creditor.".

Amendment of section 348 of the principal law.

169. Section 348 of the principal law shall be amended as follows:—

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

"Procedure in auctions of merchandise or other property."; and

(b) subsection (1) thereof shall be substituted by the following new subsection:

"(1) A sale by auction of merchandise or other movable property, not being securities listed on the Exchange under the Stock Exchange Act, under the authority of the Civil Court, First Hall, or of the Court of Magistrates (Gozo) in its superior jurisdiction, or of the Court of Appeal, shall be carried out by a licensed auctioneer in the presence of the marshal.".

Cap. 345.

Amendment of section 349 of the principal law.

170. The words "marshal, auctioneer, or crier to bid," in section 349 of the principal law shall be substituted by the words "marshall or licensed auctioneer or broker to bid,".

Amendment of section 352 of the principal law.

171. Section 352 of the principal law shall be amended as follows:—

(a) for subsection (2) thereof, there shall be substituted the following new subsection:

"(2) In regard to such person, any lease or other disposal of the enjoyment of such property or rights and any diminution or restrictions of the enjoyment of such property or rights made by the debtor within the said year without the authority of the court by which the judgment or decree was delivered shall also be null."; and

(b) the words "even by personal arrest" in subsection (3) thereof shall be deleted.

Amendment of section 354 of the principal law.

172. The words "two hundred and fifty liri" in subsection (2) of section 354 of the principal law shall be substituted by the words "one thousand liri".

Substitution of section 355 of the principal law.

173. Section 355 of the principal law shall be substituted by the following:

"Jus Redimendi.

355. (1) The debtor shall have the right to repurchase his immovable property sold by auction provided such right is exercised within four months from the date of registration of the act of adjudication in the Public Registry.

(2) For the purposes of subsection (1) of this section immovable property shall also include a going concern.

(3) The right of repurchase shall be exercised by the filing of a schedule of redemption, and a concurrent deposit as is provided, *mutatis mutandis*, in Sub-title VI of Title VI of Part II of Book Second of the Civil Code.".

Cap. 16.

Substitution of section 356 of the principal law.

174. Section 356 of the principal law shall be substituted by the following new section:

"Right of creditor to re-sell immovable property to be exercised within two years. Cap. 16.

356. (1) The time period contemplated in section 2086 of the Civil Code, in respect of property adjudicated in a judicial sale, shall be of two years to commence to run from the date of enrolment of the act of adjudication in the Public Registry.

(2) The said period of two years shall be reduced to four months from the date of service by a judicial act of a copy of the act of adjudication, or of a copy of the note of enrolment of the act of adjudication in the Public Registry, and this in respect only of any hypothecary or priviliged creditor on whom such service is made.

(3) Where the judicial sale is of a going concern that includes immovable property, the said period of two years shall be reduced to four months to commence to run from the date of enrolment of the act of adjudication in the Public Registry.

(4) Any action by the hypothecary or privileged creditor against the third party in possession of an immovable acquired by virtue of a judicial sale shall be barred if the protest mentioned in subsection (1) of section 2072 of the Civil Code, (calling upon the debtor to discharge the debt and the third party in possession either to discharge the debt or to surrender the property), is not filed within the period of two years or four months mentioned in the preceding subsections of this section, or if the creditor fails to demand judicially the

sale of the immovable within six months from the filing of the protest mentioned in subsection (1) of section 2072 of the Civil Code. Such action shall also be barred if the third party in possession surrenders the property and the creditor fails to start proceedings for the judicial sale within six months from the service of a copy of the note of such surrender.

(5) Notwithstanding the provisions of subsection (2) of section 2072 of the Civil Code, the demand for the judicial sale of the immovable can be made at any time after the expiration of sixty days from the date of filing of the protest.

(6) The creditors whose action has been barred in terms of the provisions of this section 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; provided that such creditors shall retain their ranking prior to sale.

(7) If before an adjudication or after an adjudication, the bidder or purchaser, as the case may be, finds that the immovable property is subject to any burdens, leases or other rights whether real or personal, which have not been included in the valuation in terms of section 310, the bidder or purchaser, as the case may be, shall have the right in the former case to demand either to withdraw his bid or to have his bid reduced, and in the latter case the purchaser shall have the right to demand the rescission of the sale.

(8) Such demand for the rescission of the sale is to be made not later than six months from the date of the adjudication by means of an application to be served on the execution creditor and the debtor.

(9) The court shall allow the demand of the bidder or of the purchaser, as the case may be, if it is satisfied that the omission in the said valuation or in the said list was relevant so as to affect the bid made by the purchaser.".

Amendment of section 377 of the principal law.

175. For subsection (2) of section 377 of the principal law there shall be substituted the following:

"(2) A copy of the order shall also be served on the debtor in the same way as is provided under section 187, or if he is absent from Malta, on his lawful representative.".

Amendment of section 378 of the principal law.

176. Subsection (4) of section 378 of the principal law shall be substituted by the following new subsection:

"(4) The declaration may be made by means of a judicial act served on the execution creditor, or by means of a registered letter addressed to the registrar and copied to the execution creditor. The registrar is to attach the letter to the records of the judicial sale by auction.".

Amendment of section 379 of the principal law.

177. The words "Such demand may be made together with the demand mentioned in the proviso to subsection (2) of section 378." shall be added after the words "attached by the order." in subsection (1) of section 379 of the principal law.

Amendment of section 381 of the principal law.

178. Section 381 of the principal law shall be amended as follows:

(a) subsection (1) thereof shall be substituted by the following new subsection:

"(1) It shall not be lawful to issue a garnishee order upon —

(a) any salary, or wages (including bonus, allowances, overtime and other emoluments);

(b) any benefit, pension, allowance or assistance mentioned in the Social Security Act or other allowance of any person pensioned by the Government; Cap. 318.

(c) any charitable grant made by the Government;

(d) any bequest expressly made for the purpose of maintenance, if the debtor has no other means of subsistence and the debt itself is not due in respect of maintenance;

(e) any sum due for maintenance whether awarded *officio judicis*, or by public deed if the debt itself is not due in respect of maintenance;

(f) upon any sum due by any civil or military department of the public service for the price of works or supplies.";

(b) the proviso to subsection (3) thereof shall be deleted; and

(c) the following new subsection shall be added after subsection (3) thereof:

"(4) The provisions of sections 149, 150 and 151 of the Malta Armed Forces Act shall apply in respect of the pay of an officer or man of the regular force of Malta.". Cap. 220.

Substitution of section 382 of the principal law.

179. Section 382 of the principal law shall be substituted by the following new section:

"Salary or wages not subject to attachment.

382. (1) In the case of any salary, wage benefit, pension or allowance mentioned in paragraphs (a) and (b) of subsection (1) of section 381 when the same exceed three hundred liri per month or such amount as may from time to time be established by order made by the Minister responsible for justice, the court may, on the application by any creditor, allow the issue of a garnishee order on that part in excess of the amount aforestated:

Provided that if the debtor, upon an application shows to the satisfaction of the court that he needs such excess or part thereof for his maintenance or for the maintenance of his family, the court shall revoke the garnishee order with respect to the excess or such part thereof, whereupon the said order shall be deemed to be and to have been without effect to the extent to which it had been revoked:

Provided further that this section shall not apply to the pay of an officer or man of the regular force of Malta.

(2) The court may, at any time, vary the order given under subsection (1) of this section, on a demand by application of the creditor or the debtor, if there be any change in the material circumstances of the debtor.".

Substitution of section 383 of the principal law.

180. Section 383 of the principal law shall be substituted by the following new section:

"Garnishee order to cease to be operative on expiration of one year.

383. (1) A garnishee order ceases to be operative on the expiration of one year from the issue thereof, unless the court, upon an application by the person suing out the order, shall extend such time.

(2) Such application shall be filed at least seven days before the time expires and shall be served on the garnishee together with the relative decree of extension.

(3) The garnishee shall not incur any liability if after the expiration of the said time, whether original or extended, and before any such extension has been served on him, he shall act as if the order had ceased to be in force.".

Amendment of section 384 of the principal law.

181. The words "within a period of not less than two or more than four days;" in section 384 of the principal law shall be substituted by the words "within a period of not less than four and not more than eight days;"

Amendment of section 385 of the principal law.

182. Immediately after subsection (2) of section 385 of the principal law there shall be added the following subsections:

"(3) The warrant shall not be issued unless by an express order of the court given on a demand made by writ of summons by the creditor.

(4) The court shall issue the warrant only if it is satisfied that the creditor has no other means of execution.".

Amendment of section 398 of the principal law.

183. Section 398 of the principal law shall be amended as follows:

(a) the words " in the answer to the libel where proceedings are instituted by libel, or" in subsection (1) thereof shall be deleted;

(b) subsection (3) thereof shall be deleted; and

(c) subsection (4) thereof shall be renumbered as subsection (3) thereof.

Repeal of section 399 of the principal law.

184. Section 399 of the principal law shall be repealed.

Amendment of section 415 of the principal law.

185. Immediately at the end of section 415 of the principal law there shall be added the following proviso:

"Provided that the provisions of this section shall not apply in relation to any person who within three months immediately preceding the institution of the jactitation suit shall have, either personally or through a mandatory, filed a judicial act vaunting his claim.".

Amendment of section 418 of the principal law.

186. Section 418 of the principal law shall be amended by substituting the word "libel" whenever it occurs by the word "application", and by substituting the word "libel" in the marginal note by the word "application".

Amendment of section 419 of the principal law.

187. Section 419 of the principal law shall be amended as follows:

(a) subsection (1) thereof shall be substituted by the following nev subsection:

"(1) The application shall be served on the debtor and on the person making the deposit, but no answer to such application shall be allowed."; and

(b) the word "libel" in the marginal note shall be substituted by the word "application".

Amendment of section 420 of the principal law.

188. The words "of the respective libel of each claimant." in subsection (1) of section 420 of the principal law shall be substituted by the words "of the respective application of each claimant.".

Amendment of section 428 of the principal law.

189. Section 428 of the principal law shall be amended as follows:

(a) for the words "a libel" and the words "such libel" in subsection (1) thereof, there shall be substituted the words "an application" and the words "such application" respectively; and

(b) for the words "the libel" in subsection (2) thereof there shall be substituted the words "the application".

Substitution of section 429 of the principal law.

190. Section 429 of the principal law shall be substituted by the following new section:

"Answer and respective statement.

429. It shall be lawful for each of the parties on whom any such application shall have been served to file an answer containing the pleas which he desires to raise in opposition to the other competing claims and a statement of his own claim.".

Substitution of section 431 of the principal law.

191. Section 431 of the principal law shall be substituted by the following new section:

"Closing of pleadings.

431. (1) In the cases referred to in section 428, the pleadings shall be deemed to be closed —

(a) on the filing of the answers and respective applications of the contending parties; or

(b) on the expiration of the time prescribed in subsection (2) of this section, if the parties or any of the parties served with the application shall fail to file the answer and respective application within such time.

(2) The party served with an application shall file an answer or a respective application within fifteen days from the date of service.".

Amendment of section 432 of the principal law.

192. The words "respective libel", wherever they occur, in section 432 of the principal law and in the marginal note shall be substituted by the words "respective application".

Amendment of section 433 of the principal law.

193. The word "libel" in section 433 of the principal law and in the marginal note shall be substituted by the word "application".

Amendment of section 437 of the principal law.

194. The words "in its superior civil jurisdiction" in section 437 of the principal law shall be substituted by the words "in its superior jurisdiction".

Amendment of section 443 of the principal law.

195. Subsection (1) of section 443 of the principal law shall be substituted by the following new subsection:

"(1) The Attorney General vested with the possession of the hereditary estate shall, by means of a notice in the Gazette and in a daily newspaper, call upon all parties who may have a claim on such estate, to bring forward their claim before the competent court within a period of one year.".

Amendment of section 460 of the principal law.

196. Section 460 of the principal law shall be amended as follows:

(a) for the words from "clearly stated; and the registrar shall refuse" up to the end of subsection (1) thereof there shall be substituted the words "clearly stated.";

(b) the word "or" shall be added at the end of paragraph (c) of subsection (2) thereof;

(c) the following paragraph (d) shall be added after paragraph (c) of subsection (2) thereof:

"(d) to actions to be heard with urgency;"; and

(d) the following subsection (3) shall be added after subsection (2) thereof:

"(3) Causes against the Government in respect of which there is in force a warrant of prohibitory injunction shall be heard by the Court with urgency in preference to other causes.".

Amendment of section 461 of the principal law.

197. The words "in its superior civil jurisdiction" in section 461 of the principal law shall be substituted by the words "in its superior jurisdiction".

Amendment of section 462 of the principal law.

198. The words "in its superior civil jurisdiction" in section 462 of the principal law shall be substituted by the words "in its superior jurisdiction".

Substitution of section 466 of the principal law.

199. For section 466 of the principal law there shall be substituted the following:

"Proceedings for debts due to Government.

466. (1) Where a Head of any Government Department desires to sue for the recovery of a debt due to a department under his direction, or to any administration thereof, for any service, supplies, rent or for any licence or other fee or tax due, he may make a declaration on oath before the Registrar, a Judge or a Magistrate wherein he is to state the nature of the debt and the name of the debtor and confirm that it is due.

(2) The declaration referred to in subsection (1) of this section shall be served upon the debtor by means of a judicial act and it shall have the same effect as a final judgment of the competent Court unless the debtor shall, within a period of twenty days from service upon him of the said declaration oppose the claim by filing an application demanding that the Court declare the claim unfounded.

(3) The application filed in terms of subsection (2) of this section shall be served upon the Head of Department, who shall be entitled to file a reply within a period of twenty days. The court shall appoint the application for hearing on a date after the lapse of that period.

(4) In cases of an urgent nature the Court may, upon an application of the creditor or the debtor, shorten any time limits provided for in this section by means of a decree to be served upon the other party.".

Substitution of sections 467 and 468 of the principal law.

200. For sections 467 and 468 of the principal law there shall be substituted the following:

"Opposition to proceedings under section 466.

467. (1) Any executive title obtained according to the provisions of the last preceding section in the absence of any opposition on the part of the debtor shall be rescinded if upon

a request by writ of summons to be filed by the debtor within twenty days from the first service upon him of any executive warrant based on the said title or of any other judicial act wherein reference is made to the said title, the Court is satisfied that the debtor was unaware of the service of the declaration referred to in subsection (1) of the last preceding section during the period during which he could oppose the same and that the claim contained in the said declaration is unfounded on the merits.

(2) No opposition other than that specifically provided for in this section and in the last preceding section shall stay the issue or execution of any executive act obtained thereunder or the paying out of the proceeds of any warrant or sale by auction carried out in pursuance thereof.".

Addition of new Sub-title to the principal law.

201. The following new Sub-title shall be added after section 469 of the principal law:

"Sub-Title VII

JUDICIAL REVIEW OF ADMINISTRATIVE ACTION

Judicial review of adminis-trative action.

469A. (1) Saving as is otherwise provided by law, the courts of justice of civil jurisdiction may enquire into the validity of any administrative act or declare such act null, invalid or without effect only in the following cases:

(a) where the administrative act is in violation of the Constitution;

(b) when the administrative act is *ultra vires* on any of the following grounds;

(i) when such act emanates from a public authority that is not authorised to perform it; or

(ii) when a public authority has failed to observe the principles of natural justice or mandatory procedural requirements in performing the administrative act or in its prior deliberations thereon; or

(iii) when the administrative act constitutes an abuse of the public authority's power in that it is done for improper purposes or on the basis of irrelevant considerations; or

(iv) when the administrative act is otherwise contrary to law.

(2) In this section —

"administrative act" includes the issuing by a public authority of any order, licence, permit, warrant, decision, or a refusal to any demand of a claimant, but does not include any measure intended for internal organization or administration within the said authority:

Provided that, saving those cases where the law prescribes a period within which a public authority is required to make a decision, the absence of a decision of a public authority following a claimant's written demand served upon it, shall, after two months from such service, constitute a refusal for the purposes of this definition;

"public authority" means the Government of Malta, including its Ministries and departments, local authorities and any body corporate established by law.

(3) An action to impugn an administrative act under subsection (1) of this section 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.

(4) The provisions of this section shall not apply where the mode of contestation or of obtaining redress, with respect to any particular administrative act before a court or tribunal is provided for in any other law.

(5) In any action brought under this section, it shall be lawful for the plaintiff to include in the demands a request for the payment of damages based on the alleged responsibility of the public authority in tort or quasi tort, arising out of the administrative act. The said damages shall not be awarded by the Court where notwithstanding the annulment of the administrative act the public authority has not acted in bad faith or unreasonably or where the thing requested by the plaintiff could have lawfully and reasonably been refused under any other power.

(6) For the purposes of this section, and of any other provision of this and any other law, service with the Government is a special relationship regulated by the legal provisions specifically applicable to it and the terms and conditions from time to time established by the Government, and no law or provision thereof relating to conditions of employment or to contracts of service or of employment applies, or ever heretofore applied, to service with the Government except to the extent that such law provides otherwise.".

Repeal of section 481 of the principal law.

202. Section 481 of the principal law shall be repealed.

Amendment of section 501 of the principal law.

203. The words "second edict." in subsection (3) of section 501 of the principal law shall be substituted by the words "second edict; provided that any curator appointed by the court according to the provisions of subsection (1) of section 504 may by application request the court to extend the said time. The court may, after considering the circumstances of the case, grant such other time as it may deem fit.".

Amendment of section 511 of the principal law.

204. In section 511 of the principal law for the words "such time of two months shall be extended by another month." there shall be substituted the words "or during the extension of the period granted in terms of subsection (3) of section 501, such time of two months or such extension of the period shall be extended by another month.".

Amendment of section 527 of the principal law.

205. Section 527 of the principal law shall be amended as follows:

(a) subsection (5) thereof shall be renumbered as subsection (6); and

(b) for subsection (4) thereof there shall be substituted the following:

"(4) The registrar shall before the end of the month of January of every year cause to be published in the Government Gazette a list showing in alphabetical order the names and surnames of the persons appearing in the book kept in accordance with subsection (3) of this section, together where available with the name of the father, the place of birth and the number of the Identity Card of such persons, and the date of the decree of interdiction or incapacitation.

(5) From the list referred to in subsection (4) of this section 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 years;

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

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

206. Section 533 of the principal law shall be substituted by the following new section: Substitution of section 533 of the principal law.

"Appointment of time for opening and publication of will.

533. (1) Where a will is to be opened, the court shall by a decree, upon the application of any party interested, appoint the day, time and place for the opening and publication of the will, and order that all interested parties be summoned: those known, by summons, and those unknown, by means of banns to be posted up at the entrance of the building in which the court sits and published in the Government Gazette and in a local daily newspaper.

(2) The opening and publication of the will shall not take place before the expiration of four days from the date of service of the said summons, or of four days from the date of the posting up of the banns and their publication whichever is the later.

(3) Where any secret will has been received by the registrar in accordance with the provisions of this Title but has not been withdrawn by the testator, or opened and published, and one hundred years have elapsed since the date of the presentation of the will, the registrar shall prepare and publish a list in the Gazette of the said wills.

(4) After the publication of the list mentioned in subsection (3) of this section in the Gazette, the court shall establish a day and time in which the wills mentioned in the list shall be opened in public. The court shall then order that the said wills be transmitted to the archivist of Notarial Acts who shall register these wills in a book to be kept by him and who shall enrol them in the Public Registry.".

207. The words "of the judge, the registrar and two witnesses," in subsection (2) of section 534 of the principal law shall be substituted by the words "of the judge and the registrar,". Amendment of section 534 of the principal law.

208. Section 536 of the principal law shall be substituted by the following new section: Substitution of section 536 of the principal law.

"Declaration of the opening of succession.

536. In the absence of opposition, the declaration of the opening of a succession may be made by the Civil Court, Second Hall, upon an application, in favour of any person in whose name a claim thereto is made.".

209. For subsections (1) and (2) of section 537 of the principal law there shall be substituted the following new subsections: Amendment of section 537 of the principal law.

"(1) Upon the filing of the application, the court shall issue banns which shall be published in the Gazette and in at least one daily newspaper and be posted up at the entrance of the building in which the court sits, calling upon all parties interested to enter their opposition by a note, within a time of not less than eight days nor exceeding one month, to be fixed by the judge.

(2) Such time shall commence to run from the day on which the banns are posted up, or last published in either the Gazette or the periodical newspaper, whichever is the latest.".

Substitution of section 538 of the principal law.

210. Section 538 of the principal law shall be substituted by the following new section:

"Decree of court.

538. At the expiration of the said time, the court, in the absence of opposition, shall examine the claim of the applicant; and if the claim appears to be justified, the court shall allow the demand and shall declare the succession opened in his favour and may, at the request of the applicant, also establish in its decree, the identity of any other person called to the inheritance and his relative share therein.".

Amendment of section 546 of the principal law.

211. The words "the court sits." in subsection (1) of section 546 of the principal law shall be substituted by the words "the court sits. The registrar shall also publish a notice in the Gazette and in a daily newspaper inviting all those parties interested to be present at the publication of the inventory.".

Amendment of section 547 of the principal law.

212. Subsection (1) of section 547 of the principal law shall be substituted by the following new subsection:

"(1) The publication of the inventory shall take place on the date and at the place and time established by the court.".

Amendment of section 550 of the principal law.

213. Section 550 of the principal law shall be amended as follows:

(a) for the wods "Adoption and emancipation" in subsection (1) thereof there shall be substituted the word "Emancipation";

(b) for the words "adoption or emancipation in subsection (2) thereof, there shall be substituted the word "emancipation"; and

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

"Emancipation".

Amendment to section 556 of the principal law.

214. The words "by writ of summons" in subsection (1) of section 556 of the princpal law shall be substituted by the words "by application".

Amendment of section 557 of the principal law.

215. The words "Registrar of the Superior Courts" and the words "such courts" wherever they occur in section 557 of the principal law shall be respectively substituted by the word "registrar" and the words "the courts".

Amendment of section 560 of the principal law.

216. The following proviso shall be added to subsection (3) of section 560 of the principal law:

"Provided that in proceedings before the courts of civil jurisdiction, the parties to the cause shall be bound to assist the registrar in compiling a copy of the court records or other documents which have been damaged or lost and, within such time as the court may establish, they shall provide the registrar with such information and documentation in their possession which will assist the registrar in compiling the court records or other documents damaged or lost in as full a manner as possible.".

Addition of new sections 563A and 563B to the principal law.

217. The following new sections shall be added after section 563 of the principal law:

"Admissibility of *ex parte* expert opinion and certain expressions of non-expert opinion.

563A. (1) Where a person is called as a witness, his opinion on any relevant matter on which he is qualified to give expert evidence shall be admissible in evidence only if, in the opinion of the court, he is suitably qualified in the relevant matter.

(2) Where a person is called as a witness, a statement of opinion by him on any relevant matter on which he is not qualified to give expert evidence, if made as a way of conveying relevant facts personally perceived by him, is admissible as evidence of what he perceived.

(3) The opinion given by any person according to the provisions of this section shall be without prejudice to the provisions of section 681 and to the court's power to appoint a referee according to the provisions of section 646.

Evidence of foreign law.

563B. (1) A person who is suitably qualified on account of his knowledge or experience, is competent to give expert evidence as to the law of any other foreign state, irrespective of whether he has acted or is entitled to act as an advocate, or in any judicial or legal capacity in that state.

(2) The provisions of subsection (3) of section 563A shall *mutatis mutandis* apply to the provisions of this section.".

Amendment of section 566 of the principal law.

218. The words "tending to criminate" in the English text of paragraph (b) of the proviso to subsection (1) of section 566 of the principal law shall be substituted by the words "tending to incriminate".

Substitution of section 572 of the principal law.

219. Section 572 of the principal law shall be substituted by the following new section:

"Time for attendance of witness.

572. A witness is bound to appear in court on the date and time prescribed in the subpoena provided that he is served with the said subpoena four days before such date, which period is to run from the date of service of the subpoena:

Provided further that it shall be lawful for the court, in urgent cases, to order any witness to appear from day to day, or from hour to hour, or even only within such interval of time as may be necessary for him to appear in court.".

Addition of new section 573A to the principal law.

220. The following new section shall be added after section 573 of the principal law:

"Another person to give evidence instead of the person sub-poenaed.

573A. Any officer or employee of a government department or any officer or other employee of any body having a distinct legal personality may be authorised by the person subpoenaed to give evidence in his stead on any matter about which he is more knowledgeable and relating to the said department or body and on which the said person subpoenaed was required to give evidence:

Provided that the person subpoenaed shall give such evidence personally if it is so stated in the subpoena.".

Amendment of section 588 of the principal law.

221. Section 588 of the principal law shall be amended as follows:

(a) subsection (2) thereof shall be renumbered as subsection (3) thereof; and

(b) the following new subsection shall be added as subsection (2) thereof:

"(2) Unless by order of the court, no accountant, medical practitioner or marriage counsellor may be questioned on such circumstances as may have been stated by the client to the said person in professional confidence or as may have come to his knowledge in his professional capacity.".

Amendment of section 590 of the principal law.

222. Subsection (2) of section 590 of the principal law shall be substituted by the following new subsection:

"(2) No witness may be compelled to disclose any information derived from or relating to any document belonging to or in possession of any civil, military, naval or air force department of the public service and which is an exempt document under section 637.".

223. Section 596 of the principal law shall be amended as follows:

Amendment of section 596 of the principal law.

(a) subsection (1) thereof shall be substituted by the following new subsection:

"(1) If the court does not understand the language in which the evidence is given, it shall appoint a qualified interpreter at the provisional expense of the party producing the witness.";

(b) the words "The official interpreter" in subsection (2) thereof shall be substituted by the words "The interpreter"; and

(c) the word "official" in the marginal note to subsection (2) thereof shall be deleted.

224. The words "shall be by writ of summons or by an application, provided that, in the latter case," in subsection (2) of section 606 of the principal law shall be substituted by the words "shall be by an application and".

Amendment of section 606 of the principal law.

225. The words "take down" in the English text of section 607 of the principal law shall be substituted by the word "record".

Amendment of section 607 of the principal law.

226. The words "before any of the superior courts of first instance," in subsection (1) of section 610 of the principal law shall be substituted by the words "before the Civil Court, First Hall,".

Amendment of section 610 of the principal law.

227. The words "or, if the court consists of more than one magistrate, by one of the magistrates," in subsection (1) of section 611 of the principal law shall be deleted.

Amendment of section 611 of the principal law.

228. The words "and to stay the proceedings" in section 613 of the principal law shall be substituted by the words "and the court may stay the proceedings after having complied with the provisions of section 158 and adjourn the cause to a time within which such evidence is to be obtained.".

Amendment of section 613 of the principal law.

229. Subsection (1) of section 614 of the principal law shall be amended as follows:

Amendment of section 614 of the principal law.

(a) the words "by writ of summons" shall be substituted by the words "by application";

(b) the words "the party demanding the examination shall, in making the demand in open court, produce" shall be substituted by the words "the party demanding the examination shall produce"; and

(c) the words "the name of the person" shall be substituted by the words "the name and address of the person".

Amendment of section 616 of the principal law.

230. The words "the name of such person" in section 616 of the principal law shall be substituted by the words "the name and address of such person".

Substitution of section 617 of the principal law.

231. Section 617 of the principal law shall be substituted by the following new section:

"Interrogatories to be accessible to opposite party.

617. A copy of the interrogatories reduced into writing shall be served on the opposite party or on his advocate.".

Amendmentof section 619 of the principal law.

232. The words "the Prime Minister" in section 619 of the principal law shall be substituted by the words "the Minister responsible for justice".

Amendment of section 622 of the principal law.

233. The words "the Prime Minister" in subsection (2) of section 622 of the principal law shall be substituted by the words "the Minister responsible for justice".

Addition of new section 622A.

234. Immediately after section 622 of the principal law there shall be inserted the following new section:

"Evidence by affidavit of witness residing abroad.

622A (1) Notwithstanding the provisions of sections 613 to 622, where the evidence of a witness residing outside Malta is required, and such person has made an affidavit about facts within his knowledge before an authority or other person who is by the law of the country where the witness resides empowered to administer oaths, or before a consular officer of Malta serving in the country where the witness resides, such affidavit duly authenticated may be produced in evidence before a court in Malta: and the provisions of sections 623, 624 and 625 shall apply to such affidavits.

(2) The affidavit so obtained shall be served on the opposite party or parties, and any party to the proceedings desiring to cross-examine such a witness shall apply to the court for the examination of such witness by letters of request not later than twenty days from the service of the affidavit; and the provisions of this Code relative to letters of request shall apply with such modifications and adaptations as may be necessary.

(3) If no application is made as aforesaid no cross-examination of the witness shall be allowed unless the court for a good reason otherwise directs; and the affidavit shall be taken into consideration notwithstanding the absence of cross-examination.

(4) Notwithstanding the foregoing provisions of this section, if the parties agree, and the court deems it proper so to act, the court may make such other provisions concerning the conduct of the cross-examination as may be appropriate according to circumstances.".

235. The words "it shall be lawful for the court," in section 623 of the principal law shall be substituted by the words "it shall be lawful for the court of its own motion or". Amendment of section 623 of the principal law.

236. Subsection (2) of section 624 of the principal law shall be substituted by the following new subsection: Amendment of section 624 of the principal law.

"(2) If the cause in which the examination was ordered has terminated and has subsequently been re-instituted in terms of law, the examination may also be produced both before the court of first instance and before the appellate court.".

237. Section 627 of the principal law shall be amended as follows: Amendment of section 627 of the principal law.

(a) paragraph (d) thereof shall be substituted by the following new paragraph:

"(d) the acts of the Government of Malta printed under the authority of the Government and duly published;"; and

(b) paragraph (f) shall be substituted by the following new paragraph:

"(f) the certificates issued from the Public Registry Office and the Land Registry;".

238. The words "advocate or a notary" and the words "advocate or notary" in subsection (2) of section 634 of the principal law shall be respectively substituted by the words "advocate, a notary or a legal procurator" and the words "advocate or notary or legal procurator". Amendment of section 634 of the principal law.

239. Section 637 of the principal law shall be amended as follows: Amendment of section 637 of the principal law.

(a) subsection (3) thereof shall be substituted by the following new subsection:

"(3) It shall not be lawful to demand the production of any exempt document which forms part of any correspondence of any civil, military, naval or air force department or of any report belonging to any such department.";

(b) subsection (4) thereof shall be renumbered as subsection (5) thereof;

(c) the following new subsection shall be added after subsection (3) thereof:—

"(4) For the purposes of subsection (3) of this section, a document is an exempt document if —

(a) disclosure of the document would be contrary to the public interest for the reason that the disclosure —

(i) would, or could reasonably be expected to, cause damage to —

(a) the security of Malta;

(b) the defence of Malta; or

(c) the international relations of Malta; or

(ii) would divulge any information or matter communicated in confidence by or on behalf of a foreign government, an authority of a foreign government or an international organization to the Government of Malta;

(b) it is a Cabinet document, that is to say —

(i) a document that has been submitted to the Cabinet for its consideration or is proposed by a Minister to be so submitted, being a document that was brought into existence for the purpose of submission for consideration by the Cabinet;

(ii) an official record of the Cabinet;

(iii) a document that is a copy of, or of a part of, or contains an extract from a document referred to in sub-paragraphs (i) and (ii) of this paragraph; or

(iv) a document the disclosure of which would involve the disclosure of any deliberation or decision of the Cabinet, other than a document by which a decision of the Cabinet was published;

(c) it is a document which would disclose matters in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purpose of the deliberative processes involved in the functions of a Ministry, Government department, authority, corporation or parastatal entity;

(d) it is a document that would, or could reasonably be expected to —

(i) prejudice the conduct of any investigation of a breach, or possible breach, of the law, or prejudice the enforcement or proper administration of the law in a particular instance;

(ii) disclose, or enable a person to ascertain the existence or identity of a confidential source of information; or

(iii) endanger the life or physical safety of any person;

(e) it is a document that would or could reasonably be expected to —

(i) prejudice the fair trial of a person or the impartial adjudication of a particular case;

(ii) disclose lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law, the disclosure of which would, or would reasonably be likely to, prejudice the effectiveness of those methods or procedures; or

(iii) prejudice the maintenance or enforcement of lawful methods for the protection of public safety;

(f) there is in force any law applicable to information of a kind contained in the document and prohibiting persons referred to in the law from disclosing information of that kind."; and

(d) the following new subsection shall be added after subsection (5) thereof:

"(6) Where the Prime Minister is satisfied that the disclosure of the existence or contents of any document referred to in subsection (4) of this section would be contrary to the public interest for any reason therein stated, he may sign a certificate to that effect specifying that reason, and such a certificate, so long as it remains in force, establishes conclusively that the document is an exempt document and where such a certificate is produced it shall constitute final and conclusive proof that the document is one as is referred to in subsection (4) of this section and is an exempt document in terms of subsection (3) of this section, and no court shall have jurisdiction to enquire thereon.".

Amendment of section 640 of the principal law.

240. The words "by writ of summons" in section 640 of the principal law shall be substituted by the words "by application".

Amendment of section 644 of the principal law.

241. The words "by means of referees" in section 644 of the principal law shall be substituted by the words "by means of a referee or referees".

Substitution of section 645 of the principal law.

242. Section 645 of the principal law shall be substituted by the following new section:

"Contents of order.

645. (1) The court shall not appoint a referee solely for the purpose of examining witnesses on oath and taking down their depositions in writing and establishing the relevant facts.

(2) In the decree appointing the referee, the court shall —

(a) state the object of the reference;

(b) fix the day and time when the referee is to conduct an inspection *in faciem loci* where necessary;

(c) give directions for the guidance of the referee in the execution of his task.

(3) The court may at any time, at the request of the registrar or on its own motion, order the referee to return the records of the cause that are in his possession, to the registrar there to remain for such time as shall be specified in that order. In case of non-compliance with the court's order, the referee shall without prejudice to any other proceedings which may be instituted against him be guilty of contempt of court.

(4) The court may order the referee to attend for the hearing of the trial and to put to the witnesses any questions he may deem necessary or relevant to enable him to complete his report.

(5) Where affidavits have been filed in the registry of the court, the referee shall be served with a copy of such affidavits before the hearing.".

Substituion of section 646 of the principal law.

243. Section 646 of the principal law shall be substituted by the following new section:

"Appointment of referee.

646. (1) Where the parties agree on the submission of a name of a referee, the court shall appoint the referee agreed upon by the parties.

(2) Where the parties fail to agree, the court shall appoint a referee of its own choice.".

Amendment of section 647 of the principal law.

244. Subsection (2) of section 647 of the principal law shall be substituted by the following new subsection:

"(2) The registrar shall keep a record of any order of reference made by the court stating the date of the order and the date on which the referee shall have filed his report.".

Substitution of section 648 of the principal law.

245. Section 648 of the principal law shall be substituted by the following new section:

"Good cause for challenge of referee.

648. A referee may be challenged by any of the parties on good cause being shown to the court.".

246. Sections 649, 650, 651 and 652 of the principal law shall be repealed.

Repeal of sections 649, 650, 651 and 652 of the principal law.

247. Section 653 of the principal law shall be amended as follows:

Amendment of section 653 of the principal law.

(a) the words "Referees may be challenged" and the words "until they have filed their report" shall be respectively substituted by the words "A referee may be challenged" and the words "until he has filed his report"; and

(b) the words "never appeared before the referees, nor performed any act before them," shall be substituted by the words "never appeared before the referee, nor performed any act before him,".

248. The words "to be proposed by the party objecting" in subsection (3) of section 655 of the principal law shall be deleted.

Amendment of section 655 of the principal law.

249. Section 656 of the principal law shall be substituted by the following new section:

Substitution of section 656 of the principal law.

"Service of order of reference on referee.

656. The decree making the order of reference shall be served by order of the court on the referee.".

250. The words "apply for an extension." in section 662 of the principal law shall be substituted by the words "apply for an extension provided that the court may for good and sufficient grounds, to be recorded, grant a further extension or extensions.".

Amendment of section 662 of the principal law.

251. Section 665 of the principal law shall be amended as follows:

Amendment of section 665 of the principal law.

(a) subsection (2) thereof shall be deleted; and

(b) subsections (3), (4), (5) and (6) thereof shall be respectively renumbered as subsections (2), (3), (4) and (5) thereof;

(c) subsection (4) thereof, as renumbered, shall be substituted by the following new subsection:

"(4) The report shall be signed by the referee or referees as the case may be unless otherwise provided by the court.".

252. Subsections (1) and (2) of section 666 shall be substituted by the following two subsections:

Amendment of section 666 of the principal law.

"(1) Before the day appointed for the publication of the report, or on the same day, but before the cause is called, the referee shall present his report unsealed to the registrar for the taxation of his fees in accordance with the Tariffs in Schedule A annexed to this Code.

(2) Except where otherwise provided, the referee shall not be required to publish his report until the fee taxed by the registrar has been paid to him or deposited with the registrar; and the registrar shall not disclose to any person any part of the report, until the fee has been paid or deposited as aforesaid, under penalty of paying to the referee the fees due to him.".

Amendment of section 667 of the principal law.

253. The words "by writ of summons." in subsection (3) of section 667 of the principal law shall be substituted by the words "by application and shall be heard by the court summarily.".

Amendment of section 668 of the principal law.

254. The words "the referees" in subsections (1) and (2) of section 668 of the principal law shall be substituted by the words "the referee".

Substitution of section 669 of the principal law.

255. Section 669 of the principal law shall be substituted by the following new section:

"Court may order deposit of fee due to referee.

669. The court may, in the decree appointing the referee or at any time before the referee presents his report to the registrar, order the party by whom the fee is to be provisionally paid, to deposit with the registrar, within such time as the court shall direct, a sum which, in the opinion of the court, approximately corresponds to the fee which will be due to the referee.".

Substitution of section 670 of the principal law.

256. Section 670 of the principal law shall be substituted by the following new section:

"When court may decide cause without the reference.

670. The court may decide the cause without the reference or independently of the evidence produced before the referee —

(a) where the reference was not carried out within the original or extended time, for some cause attributable to the party in whose interest the order of reference was made; or

(b) where the fee taxed in favour of the referee as provided in section 666 has not been paid or deposited; or

(c) where the deposit mentioned in the last preceding section has not been made.".

Amendment of section 671 of the principal law.

257. Section 671 of the principal law shall be amended as follows:

(a) the words "shall be entitled to, and if the referees are more than one they shall divide between them, such part" in subsection (1) thereof shall be substituted by the words "shall be entitled to such part";

(b) the words "to claim, and if the referees are more than one they shall be entitled to claim and shall divide between them, the other part" in the proviso to subsection (1) thereof shall be substituted by the words "to claim the other part"; and

(c) subsection (2) thereof shall be substituted by the following new subsection:

"(2) Where both parties appear with the benefit of legal aid, the referee, if he belongs to the class of persons mentioned in section 658, shall publish his report, although he may not have been paid the fee; and in the case of other referees, the fee will be paid by Government.".

Amendment of section 672 of the principal law.

258. The words "the referees" and the words "their attendance" in subsection (1) of section 672 of the principal law shall be substituted by the words "the referee" and the words "his attendance" respectively.

Amendment of section 673 of the principal law.

259. The words "The court shall, where it deems it necessary," in section 673 of the principal law shall be substituted by the words "The court shall".

Substitution of section 674 of the principal law.

260. Section 674 of the principal law shall be substituted by the following new section:

"Additional referees.

674. (1) It shall be lawful for the court, on the demand of any of the parties, to proceed to the appointment of additional referees who shall make their report on reaching a majority decision on the subject of the reference.

(2) Where the findings have been arrived at by a majority of votes, the report shall include a mention of the fact that there has been a dissenting member, what constituted the dissent as well as the grounds thereof.

(3) Subject to the provisions of this section, the provisions of this Sub-title shall *mutatis mutandis* apply to additional referees.".

Repeal of section 676 of the principal law.

261. Section 676 of the principal law shall be repealed.

Substitution of section 677 of the principal law.

262. Section 677 of the principal law shall be substituted by the following new section:

"Time for making demand for additional referees.

677. (1) The demand for the appointment of additional referees shall be made by means of a note to be filed within ten days.

(2) Such time shall commence to run from the date of the publication of the report. If the referees have been dispensed from attending before the court according to the provisions of subsection (1) of section 672, such time shall commence to run from the date of the receipt by the party or his legal procurator of a notice signed by the registrar, stating that the report has been published.".

Amendment of section 685 of the principal law.

263. The words "to the referee" in section 685 of the principal law shall be substituted by the words "to the parties and to the referee".

Repeal of section 687 of the principal law.

264. Section 687 of the principal law shall be repealed.

Amendment of section 696 of the principal law.

265. Section 696 of the principal law shall be amended as follows:

(a) the words "in the written pleading, if proceedings are taken by libel or in the writ of summons, if proceedings are taken by writ of summons " in subsection (1) thereof shall be substituted by the words "in the written pleading commencing proceedings."; and

(b) the words "in the prescribed form" in subsection (3) thereof shall be deleted.

Amendment of section 697 of the principal law.

266. Section 697 of the principal law shall be amended as follows:

(a) the words "to the oath of the plaintiff, if proceedings are instituted by libel." in subsection (1) thereof shall be substituted by the words "to the oath of the plaintiff.";

(b) subsection (2) thereof shall be deleted; and

(c) subsection (1) thereof shall be renumbered as section 697.

Amendment of section 698 of the principal law.

267. Section 698 of the principal law shall be amended as follows:

(a) the words "If the party to whose oath reference is required" and the words "shall present the questions" in subsection (1) thereof shall be substituted by the words "If the party, to whose oath reference is required," and the words "shall present questions and statements which shall be formulated in an affirmative manner as to require an affirmative answer"; and

(b) the words "shall be deemed to be confessed" in subsection (2) thereof shall be substituted by the words "shall be deemed to be admitted and accepted".

Amendment of section 699 of the principal law.

268. Section 699 of the principal law shall be amended as follows:

(a) subsection (1) thereof shall be substituted by the following new section:

"(1) In all courts of civil jurisdiction, the questions shall be made in writing."; and

(b) subsection (3) thereof shall be deleted.

Amendment of section 700 of the principal law.

269. The words "The questions, when in writing," in subsection (1) of section 700 of the principal law shall be substituted by the words "The questions".

Repeal of section 701 of the principal law.

270. Section 701 of the principal law shall be repealed.

Amendment of section 702 of the principal law.

271. Section 702 of the principal law shall be amended as follows:

(a) subsection (1) thereof shall be substituted by the following new subsection:

"(1) In the Court of Magistrates (Malta) and in the Court of Magistrates (Gozo) in its inferior jurisdiction, the demand by the plaintiff for the reference to the oath of the defendant shall be made in the notice referred to in section 171.";

(b) subsection (2) thereof shall be deleted;

(c) subsections (3) and (4) shall respectively be renumbered as subsections (2) and (3) thereof;

(d) the words "fifty Maltese liri" in paragraphs (a) and (b) of subsection (3) thereof as renumbered shall in each case be substituted by the words "two hundred and fifty Maltese liri"; and

(e) the words "the Court shall adjourn the trial," in paragraph (b) of subsection (3) thereof, as renumbered, shall be substituted by the words "the Court shall adjourn the trial to a date not later than fifteen days from the date of the sitting".

Amendment of section 704 of the principal law.

272. The words "in all courts, including the inferior courts in the case where the questions are made orally." in subsection (1) of section 704 shall be substituted by the words "in all courts.".

Amendment of section 706 of the principal law.

273. The words "as the case may be." in subsection (1) of section 706 of the principal law shall be substituted by the words "as the case may be; and such order shall be served on the person or persons to whose oath reference is required. The party seeking the reference shall pay for such service, saving any right of reimbursement thereof in terms of the eventual decision of the court.".

Amendment of section 707 of the principal law.

274. The words "as provided in that section." in subsection (1) of section 707 of the principal law shall be substituted by the words "as provided in that section; and such order shall be served on the person or persons to whose oath reference is required. The party seeking the reference shall pay for such service, saving any right of reimbursement thereof in terms of the eventual decision of the court.".

Amendment of section 708 of the principal law.

275. The words "or by one of the Magistrates if the Court consists of more than one Magistrate" in section 708 of the principal law shall be deleted.

Repeal of section 710 of the principal law.

276. Section 710 of the principal law shall be repealed.

Amendment of section 712 of the principal law.

277. The words "to be admissible." in subsection (1) of section 712 of the principal law shall be substituted by the words "to be admissible; and if the court accedes to the party's request as aforesaid, the order of the court shall be served on the person or persons to whose oath reference is required. The party seeking the reference shall pay for such service, saving any right of reimbursement thereof in terms of the eventual decision of the court.".

Amendment of section 727 of the principal law.

278. The words "by the registrar of the respective court." in section 727 of the principal law shall be substituted by the words "by the registrar.".

Substitution of section 728 of the principal law.

279. Section 728 of the principal law shall be substituted by the following:

"Pleas to be raised in note of pleas or answer.

728. (1) Subject to the provisions of section 731 in actions instituted by writ of summons or by application, all pleas whether dilatory or touching the merits shall be raised in the note of pleas or in the answer, as the case may be. Those pleas touching the merits shall be raised without prejudice to the dilatory pleas.

(2) No other pleas can be set up at a later stage; provided that the Court may on an application by the defendant or respondent allow the setting up of additional pleas, if it is satisfied that there were valid reasons for not including them in the note of pleas or in the answer.".

Substitution of section 731 of the principal law.

280. Section 731 of the principal law shall be substituted by the following:

"Pleas which may be raised at any stage of the proceed-ings.

731. The provisions of section 728 shall not apply to such pleas as by an express provision of this Code may be raised at any stage of the proceedings, or to pleas the reason for which arises during the trial.".

Amendment of section 734 of the principal law.

281. Section 734 of the principal law shall be amended as follows:

(a) the present provision shall be renumbered as subsection (1) thereof;

(b) the words "on the cause," in subparagraph (i) of paragraph (d) of subsection (1) as renumbered shall be substituted by the words "on the cause or on any other matter connected therewith or dependant thereon,";

(c) the following new paragraph shall be added after paragraph (e) of subsection (1) as renumbered:

"(f) if the advocate or legal procurator pleading before a judge is the son or daughter, spouse or ascendant of the said judge;

(g) if the judge or his spouse has a case pending against any of the parties to the suit or happens to be his creditor or debtor in such manner as may reasonably give rise to suspicion of a direct or indirect interest that may influence the outcome of the case."; and

(d) the following new subsection shall be added after subsection (1) thereof as renumbered:

"(2) A judge may be challenged or abstain from sitting in a cause when he has previously taken cognizance of and expressed himself on the same merits of that cause when sitting as a judge in the Civil Court, Second Hall.".

Amendment of section 740 of the principal law.

282. The words "Magistrates of Judicial Police." in section 740 of the principal law shall be substituted by the words "Magistrates of the Inferior Courts.".

Substitution of section 742 of the principal law.

283. Section 742 of the principal law shall be substituted by the following new section:

"Persons subject to jurisdiction of the Civil Courts of Malta.

742. (1) Save as otherwise expressly provided by law, the Civil Courts of Malta shall have jurisdiction to try and determine all actions, without any distinction or privilege, concerning the persons hereinafter mentioned:

(a) citizens of Malta, provided they have not fixed their domicile elsewhere;

(b) any person as long as he is either domiciled or resident or present in Malta;

(c) any person, in matters relating to property situate or existing in Malta;

(d) any person who has contracted any obligation in Malta, but only in regard to actions touching such obligation and provided such person is present in Malta;

(e) any person who, having contracted an obligation in some other country, has nevertheless agreed to carry out such obligation in Malta, or who has contracted any obligation which must necessarily be carried into effect in Malta, provided in either case such person is present in Malta;

(f) any person, in regard to any obligation contracted in favour of a citizen or resident of Malta or of a body having a distinct legal personality or association of persons incorporated or operating in Malta, if the judgment can be enforced in Malta;

(g) any person who expressly or tacitly, voluntarily submits or has agreed to submit to the jurisdiction of the court.

(2) The jurisdiction of the courts of civil jurisdiction is not excluded by the fact that a foreign court is seized with the same cause or with a cause connected with it. Where a foreign court has a concurrent jurisdiction, the courts may in their discretion, declare defendant to be non-suited or stay proceedings on the ground that if an action were to continue in Malta it would be vexatious, oppressive or unjust to the defendant.

(3) The jurisdiction of the courts of civil jurisdiction is not excluded by the fact that there exists among the parties any arbitration agreement, whether the arbitration proceedings have commenced or not, in which case the court, saving the provisions of any law governing arbitration, shall stay proceedings without prejudice to the provisions of subsection (4) of this section and to the right of the court to give any order of direction.

(4) On the demand by any person being a party to an arbitration agreement, the courts may issue any precautionary act, in which case, if such party has not yet brought forward his claim before an arbitrator, the time limits prescribed in this Code for bringing the action in respect of the claim shall be twenty days from the date of issue of the precautionary act.

(5) A precautionary act issued in terms of the preceding subsection shall be rescinded:

(a) if the party against whom it is issued makes such deposit or gives such security sufficient to secure the rights or claims stated in the act; or

(b) if the applicant fails to bring forward his claim, whether before the arbitrator or before the court, within the said time limit of twenty days; or

(c) on the expiration of the duration, original or extended, of the particular act in terms of this Code; or

(d) for just cause on the application of the debtor as the court may deem proper in the circumstances.".

Addition of new section 742A to the principal law.

284. The following new section shall be added after section 742 of the principal law:

"Immunity of the President of Malta.

742A. No civil proceedings whatsoever shall be taken against the President of Malta in respect of acts done in the exercise of the functions of his office.".

Amendment of section 743 of the principal law.

285. Section 743 of the principal law shall be amended as follows:

(a) the words "of the Civil Courts of Malta." in subsection (1) thereof shall be substituted by the words "of the courts of civil jurisdiction."; and

(b) the words "of Civil Courts of Malta" in the marginal note shall be substituted by the words "of the courts of civil jurisdiction.".

Amendment of section 745 of the principal law.

286. Section 745 of the principal law shall be amended as follows:

(a) the words "or artificial person," in the English text shall be substituted by the words "or other body having a distinct legal personality,";

(b) in paragraph (b) thereof for the words "(c) and (g)" there shall be substituted by the words "(c) and (f)";

(c) paragraph (d) thereof shall be substituted by the following new paragraph:

"(d) the wife is presumed to be resident in the place in which her husband resides, unless she is legally separated from her husband or has taken up a separate residence;"; and

(d) the words "or artificial person" in paragraph (f) thereof shall be substituted by the words "or other body having a distinct legal personality".

Substitution of section 752 of the principal law.

287. Section 752 of the principal law shall be substituted as follows:

"Determination of value in actions for maintenance.

752. in actions for maintenance the value of the claim shall be the equivalent to the amount of maintenance claimed to be due in five years.".

Substitution of section 774 of the principal law.

288. Section 774 of the principal law shall be substituted by the following new section:

"Where want of jurisdiction is to be declared by court of its own motion.

774. In the absence of any plea to the jurisdiction, the court shall, of its own motion, declare that it has no jurisdiction —

(a) where the action is not one within the jurisdiction of the courts of civil jurisdiction of Malta and the defendant has either made default in filing the statement of defence or is an absent defendant represented in the proceeding by curators appointed in terms of section 929; or

(b) where by reason of the subject matter of the claim or of the value of the thing in issue, the action is not within the jurisdiction of the court; or

(c) where in actions touching the recovery of deposits, the monies or other things are deposited under the authority of another court:

Provided that in the cases referred to in paragraph (b) pleas to the jurisdiction may not be pleaded nor raised *ex officio* in an appellate court.".

Amendment of section 775 of the principal law.

289. The words "Subject to the provisions of section 778, where" in section 775 of the principal law shall be substituted by the word "Where".

Repeal of sections 778 and 779 of the principal law.

290. Sections 778 and 779 of the principal law shall be repealed.

Amendment of section 786 of the principal law.

291. The words "procurator or administrator of the revenue of the Diocesan Bishop of Malta or of the Bishop of Gozo," in subsection (1) of section 786 of the principal law shall be substituted by the words "Economo or other official performing an equivalent function at the Archbishop's Curia in Malta and at the Bishop's Curia in Gozo,".

Addition of new section 786A to the principal law.

292. The following new section shall be added after section 786 of the principal law:

"When plea of incapacity is not allowed.

786A. It shall not be lawful to raise the plea of incapacity of a party against any of the persons mentioned in subsection (2) of section 181A in the case of a body having a distinct legal personality, and in the case of any person mentioned in subsection (7) of section 187 in the case of a ship or other vessel.".

Amendment of section 789 of the principal law.

293. Subsection (1) of section 789 of the principal law shall be substituted by the following:

"789. (1) The plea of nullity of judicial acts is admissible —

(a) if the nullity is expressly declared by law;

(b) if the act emanates from an incompetent court;

(c) if the act contains a violation of the form prescribed by law, even though not on pain of nullity, provided such violation has caused to the party pleading the nullity a prejudice which cannot be remedied otherwise than by annulling the act;

(d) if the act is defective in any of the essential particulars expressly prescribed by law:

Provided that such plea of nullity as is contemplated in paragraphs (a), (c) and (d) of this subsection shall not be admissible if such defect or violation is capable of remedy under any other provision of law.".

294. Section 790 of the principal law shall be substituted by the following new section:

Substitution of section 790 of the principal law.

"Where plea of nullity of judgment may not be entertained.

790. Where before an appellate court the plea of nullity of a judgment appealed from is raised, such plea shall not be entertained if the judgment is found to be substantially just, unless such plea is founded on the want of jurisdiction or default of citation, or the incapacity of the parties, or on the judgment of the court of first instance being *extra petita* or *ultra petita* or on any defect which prejudices the right to a fair hearing.".

295. Section 807 of the principal law shall be substituted by the following new section:

Substitution of section 807 of the principal law.

"Continuation of suit by presumptive heir or curators.

807. (1) Where no application is made by any person to continue the suit in substitution for the deceased party, it shall be lawful for the other party, by means of an application, to demand that the suit be continued in the name of the presumptive heir or heirs of the deceased party, if known.

(2) Such application shall by order of the Court, be served on the presumptive heir or heirs who shall have the time of one month within which to declare whether he or they are prepared to continue the suit.

(3) If no such declaration is made, then the Court shall of its own motion proceed to appoint a curator *ad litem* to represent the interests of the deceased in the suit in accordance with section 809.

(4) Where no person entitled to represent the deceased is known, such application may contain only the demand for the appointment of curators to continue the suit.

(5) The curator shall take all the necessary measures to identify and locate the presumptive heir or heirs of the deceased and when the presumptive heir or heirs are identifed and located the curator shall request the court to notify him or them about the pendency of the case ordering him or them to declare within a specified time whether he or they are prepared to continue the suit.".

Substitution of section 808 of the principal law.

296. Section 808 of the principal law shall be substituted by the following:

"Default of heir, etc., to continue suit not to imply renunciation of inheritance, etc.

808. The default of the heir or executor to continue the suit shall not imply renunciation of the inheritance or executorship; and it shall be lawful for the heir or executor, by application, upon proving his title to the court, to assume at any time the continuation of the suit, and cause the effect of the appointment of curators to cease in regard to further proceedings. The application shall be served on the curators and the other parties in the suit who may file an answer thereto within such time as the court may establish.".

Amendment of section 809 of the principal law.

297. The words "on the presumptive heir, if known." in section 809 of the principal law shall be substituted by the words "on the presumptive heir or heirs, if known; and if unknown such banns shall be published twice, in at least two daily newspapers, at an interval of one week between such publications, at the expense of the applicant without the need of any notification."

Addition of new section 810A to the principal law.

298. The following new section shall be added after section 810 of the principal law:

"Change of parties due to other causes.

810A. In the case of any other change of parties to the suit other than by the death *pendente lite* of any party to the suit, the person who wishes to take up the case shall file an application requesting authorisation to assume the acts of the case in addition to or instead of the party concerned, and any judgment shall also bind such party assuming the acts.".

Substitution of section 814 of the principal law.

299. Section 814 of the principal law shall be substituted by the following new section:

"Court to which demand for new trial is made.

814. Subject to the provisions of Sub-title II of Title II of Book Third of this Code the demand for a new trial shall be made to the court by which the judgment complained of was given, and the same judges or magistrates may sit.".

Substitution of section 815 of the principal law.

300. Section 815 of the principal law shall be substituted by the following new section:

"Form of demand for new trial.

815. In the superior and inferior courts, the demand for a new trial shall be made before a court of first instance, by means of a writ of summons, and before a court of second instance, by means of an application; the application shall be accompanied by security for costs in terms of section 249.".

Amendment of section 816 of the principal law.

301. Section 816 of the principal law shall be amended as follows:

(a) the words "In the libel, petition or writ of summons," in subsection (1) thereof shall be substituted by the words "In the writ of summons or application,"; and

(b) the marginal note thereto shall be substituted by the following new marginal note:

"Contents of writ of summons or application.".

Repeal of section 817 of the principal law.

302. Section 817 of the principal law shall be repealed.

Amendment of section 818 of the principal law.

303. Section 818 of the principal law shall be amended as follows:

(a) the present provision shall be renumbered as subsection (1) thereof; and

(b) immediately after subsection (1) thereof as renumbered there shall be added the following new subsection:

"(2) A new trial may in no case be demanded after the lapse of five years from which the first judgment was given.".

Amendment of section 823 of the principal law.

304. The words "by writ of summons," in subsection (2) of section 823 of the principal law shall be substituted by the words "by application before the Court of Appeal and by writ of summons before the Court of first instance,".

Amendment of section 827 of the principal law.

305. Section 827 of the principal law shall be amended as follows:

(a) subsection (1) thereof shall be substituted by the following subsection:

"(1) The provisions of the last preceding section shall not have effect:

(a) if the judgment sought to be enforced may be set aside on any of the grounds mentioned in section 811;

(b) in the case of a judgment by default, if the parties were not contumacious according to foreign law;

(c) if the judgment contains any disposition contrary to public policy or to the internal public law of Malta.";

(b) subsection (2) thereof shall be deleted; and

(c) subsection (3) shall be renumbered as subsection (2) thereof.

Amendment of section 830 of the principal law.

306. Section 830 of the principal law shall be amended as follows:

(a) the words "section 870 and 888" and the words "the proper registry." in subsection (2) thereof shall be respectively substituted by the words "section 870" and by the words "the proper registry and notwithstanding that a deposit is made or security is given as aforesaid, the time limits established in this Title on the creditor to bring forward his action shall continue to apply. Such time limits shall run from the date of the issue of the precautionary act, and failure by the creditor to institute proceedings within the said time limits shall entitle the debtor to withdraw the deposit or cancel the security.";

(b) the words "Registrar of the Superior Courts" in subsections (4) and (5) thereof shall be substituted by the words "registrar"; and

Act No. XVII of 1991.

(c) subsection (3) thereof as added by section 82 of the Malta Maritime Authority Act, 1991 shall be deleted.

Amendment of section 831 of the principal law.

307. Section 831 of the principal law shall be amended as follows:

(a) subsection (1) thereof shall be substituted by the following new subsection:

"(1) The demand for the issue of any of the said acts shall be made by an application prepared by the applicant according to the prescribed form.";

(b) subsection (2) thereof shall be substituted by the following new subsection:

"(2) The origin and nature of the debt or claim sought to be secured shall be stated on oath in the application:

Provided that where in one application there is more than one applicant demanding the issue of any of the precautionary acts mentioned in subsection (1) of section 830 against the same respondent, the oath shall be taken by at least one of the applicants.";

(c) subsection (4) thereof shall be deleted; and

(d) subsection (5) thereof shall be renumbered as subsection (4) thereof and the words "over the signature of the registrar personally," shall be substituted by the words "over the signature of the registrar personally after having first obtained verbal authorisation from the judge or magistrate to do so. In this case, the judge or magistrate is to append his own signature under that of the registrar at the earliest opportunity to confirm that he had given the said verbal authority or, if it is not possible for the registrar to obtain such verbal authority, the registrar shall under his authority issue the said warrant or order over his signature, subject to the ratification of such action by a judge or magistrate at the earliest opportunity.".

Amendment of section 832 of the principal law.

308. The words "the debt or claim amounts," in section 832 of the principal law shall be substituted by the words "the debt or claim amounts, and if a cause has already been filed in court, such a claim may specify and include any judicial costs,".

Amendment of section 833 of the principal law.

309. The words "the registrar of the respective court." in section 833 of the principal law shall be substituted by the words "the registrar.".

Amendment of section 835 of the principal law.

310. The words "ten liri." in section 835 of the principal law shall be substituted by the words "one hundred liri".

Substitution of section 836 of the principal law.

311. Section 836 of the principal law shall be substituted by the following new section:

"Counter-warrant.

836. (1) Without prejudice to any other right under this or any other law, the person against whom any precautionary act has been issued, may, make an application to the court issuing the precautionary act, or, if a cause has been instituted, may make an application to the court hearing such cause, praying that the precautionary act be revoked, either totally or partially, on any of the following grounds:

(a) that the precautionary act ceased to be in force;

(b) that any one of the conditions requested by law for the issue of the precautionary act does not in fact subsist;

(c) that other adequate security is available to satisfy the claim of the person at whose request a precautionary act was issued either by the issue of some other precautionary act or if such other security can to the satisfaction of the Court adequately secure the claim; or

(d) if it is shown that the amount claimed is not *prima facie* justified or is excessive; or

(e) if the security provided is deemed by the court to be sufficient; or

(f) if it is shown that in the circumstances it would be unreasonable to maintain in force the precautionary act in whole or in part, or that the precautionary act in whole or in part is no longer necessary or justifiable.

(2) In the case contemplated in paragraph (a) of subsection (1) of this section, the court shall ascertain that the precautionary act has ceased to be in force and decree accordingly and in the cases contemplated in paragraphs (b) to (f) of the said subsection (1) of this section, the court shall hear the application with urgency.

(3) A copy of the application shall be served on the person at whose request the precautionary act was issued who shall not later than the day fixed for the hearing of the application by a note state his reasons, if any, why such request should not be acceded to. In default of such opposition the court shall accede to the request.

(4) After hearing the parties, the court shall by a separate decree which may be given *in camera,* either reject the application or accede to the request in the application under those conditions which it may deem fit.

(5) No appeal and no challenge shall lie from a decree acceding to an application referred to in subsection (1) of this section, and such decree shall be final and irrevocable, and except in the case contemplated in paragraph (a) of subsection (1) a similar precautionary act may not be issued in security of the claim against the person against whom the precautionary act so revoked was issued, unless in the application for the issue of such similar precautionary act the applicant states that circumstances have arisen since the revocation of the previous precautionary act which justify the issue of a similar fresh precautionary act to that which has been revoked, and the provisions of this section shall thereupon apply to such precautionary act freshly issued on the basis of such application.

(6) The provisions of subsection (4) of section 831 shall apply to the decree issued under paragraph (a) of subsection (1) of this section.

(7) Notwithstanding that adequate security for the satisfaction of the claim of the person at whose request the precautionary act was issued is deposited in the registry of the court, the court which issued the counter-warrant under the provisions of this section may still, on a request made by application by any interested person, investigate the legality or otherwise of the relative precautionary act and the court

may also order the reduction of the amount of security deposited or declare the precautionary act to be contrary to law, in which latter case it shall order that the precautionary act be revoked.

(8) The court may condemn the applicant at whose request a precautionary act was issued to pay a penalty of not less than five hundred Maltese liri and not more than three thousand Maltese liri in favour of the person against whom the precautionary act was issued, in each of the following cases:

(a) if the applicant does not bring the action in respect of the claim, within the time established by law;

(b) if, on the demand of the defendant for the rescission of the precautionary act, the plaintiff fails to show that the precautionary act had to be issued or that within the fifteen days previous to the application for the precautionary act, he had in any manner called upon the defendant to pay the debt, or, if the debt be not a liquidated debt, to provide sufficient security:

Provided that the provisions of this paragraph shall not apply where it is shown that there were reasons of urgency for the issue of the warrant;

(c) if the circumstances of the debtor were such as not to give rise to any reasonable doubt as to his solvency and as to his financial ability to meet the claims of the applicant, and such state of the debtor were notorious;

(d) if applicant's claim is malicious, frivolous or vexatious.

(9) In the case under the previous subsection, the court at the request, by writ of summons, of the person against whom the precautionary act was issued may condemn the applicant at whose request the precautionary warrant was issued to pay such damages as may have been caused by the issue of the warrant, and in any such proceedings the court shall refer to, and make use of, the records of the proceedings of the precautionary act and of any other proceedings arising therefrom or consequential thereto, and such records shall be admissible evidence for the purposes of this action.".

Amendment of section 837 of the principal law.

312. The words "or prohibitory injunction" in subsection (1) of section 837 of the principal law shall be deleted.

Addition of new section 838A in the principal law.

313. The following new section shall be added after section 838 of the principal law:

"Security for payment of penalty, etc.

838A. It shall be lawful for the court, on good cause being shown, upon the demand by application of the person against whom a precautionary act has been issued, to order the party suing out the warrant to give, within a time fixed by the court, sufficient security for the payment of the penalty that may be imposed, and of damages and interest, and, in default, to rescind the precautionary act.".

Amendment of section 843 of the principal law.

314. Subsection (1) of section 843 of the principal law shall be substituted by the following new subsection:

"(1) The applicant is bound to bring the action in respect of the right stated in the warrant within six days from the delivery of the notice of the execution of the warrant to the applicant or to an advocate or legal procurator whose signature appears on the application for the issuing of the warrant or within twelve days after the issue of the warrant, whichever is the earlier date.".

Amendment of section 846 of the principal law.

315. Section 846 of the principal law shall be amended as follows:

(a) the words "of the warrant, and" in subsection (2) thereof shall be substituted by the words "of the warrant or within twelve days after the issue of the warrant, whichever is the earlier date, and"; and

(b) subsections (3) and (4) thereof shall be deleted.

Amendment of section 847 of the principal law.

316. The following proviso shall be added to section 847 of the principal law:

"Provided that in the case of ships, other vessels, aircraft, perishable goods or other deteriorating assets, the court, on the application of claimant in pending litigation before the court, may order the sale of the asset *pendente lite* if it appears to the court upon an application of a creditor that the debtor is insolvent or otherwise unlikely to be able to continue trading and maintaining the asset. In reaching its conclusion the court shall consider all the circumstances connected therewith including the nature of the plaintiff's claim, the defence raised against such claim, if any, and such other steps which the debtor has taken to secure the claim, or otherwise to preserve the asset.".

Amendment of section 849 of the principal law.

317. The words "the delivery to him of the notice" in paragraph (b) of the proviso to section 849 of the principal law shall be substituted by the words "the delivery to him or to an advocate or legal procurator whose signature appears on the application, of the notice".

Amendment of section 850 of the principal law.

318. The words "six months" in subsections (1) and (2) of section 850 of the principal law shall be substituted by the words "one year".

Substitution of sections 855 to 872 of the principal law.

319. Sections 855 to 872 of the principal law shall be substituted by the following new sections:

"Object of warrant.

855. A warrant of impediment of departure of any ship or vessel may only be issued to secure a debt or a claim which could be frustrated by the departure of the ship or vessel.

Contents and service of warrant.

856. By the warrant of impediment of departure the marshal is ordered to detain a ship or other vessel and to deliver to the Comptroller of Customs and the officer responsible for ports in terms of law a copy of the warrant enjoining him not to grant a clearance to such ship or vessel, or, if already granted, to withdraw it.

Persons on whom warrant is to be served.

857. A copy of the warrant shall also be served on the person whose ship or vessel is detained or the master or other person in charge of such ship or vessel or the agent of such ship of other vessel.

Consequences of disobedience of an injunction.

858. The warrant shall contain a warning to all persons served with it, that in case of disobedience, such persons shall be guilty of contempt of court.

Powers of marshal in the execution of the warrant.

859. The marshal is authorised to adopt, subject to the directives of the court or of the registrar, all such measures as may be deemed necessary for the due execution of the warrant.

Statements to be contained in application.

860. In order to obtain the issue of the warrant the applicant shall, in addition to the sworn statements required under sections 831 and 832, state on oath that by the departure of the ship or vessel, his claim could be frustrated.

Warrant available where claim is not less than Lm3,000.

861. A warrant may be demanded and obtained in security of a debt or any other claim whatsoever amounting to not less than three thousand Maltese liri, either before or after such debt or claim has been judicially acknowledged.

Where warrant is demanded after judicial acknowledgement of claim.

862. Where the warrant is demanded after a debt or claim has been judicially acknowledged, the applicant shall, in the application, make reference to the judgment acknowledging the debt or claim and, besides the sworn statements under sections 831, 832 and 860, declare on the same oath that the judgment has not been fulfilled or that it has not been wholly fulfilled.

Where warrant is demanded *pendente lite*.

863. Where the warrant is demanded *pendente lite* besides the circumstances referred to in section 860 the applicant shall also declare on the same oath the fact of the pendency of the action, giving the necessary details for the identification of the said action.

Penalty in case of malicious demand for warrant.

864. Where it is found that the warrant was obtained upon a demand maliciously made, the penalty in terms of subsection (8) of section 836 shall not be less than three thousand Maltese liri.

Damages.

865. In all cases in which a warrant is declared to have been unjustly obtained, the party suing out the warrant may be liable for damages and interest and this in addition to the penalty in terms of sections 836 and 864.

Security for payment of penalty etc.

866. It shall be lawful for the court, on good cause being shown, upon the demand by application by a person whose ship or vessel is detained, the master, the person in charge, or the agent of the ship or vessel against which a warrant has been issued, to order the party suing out the warrant to give, within a time fixed by the court, sufficient security, in an amount not less than three thousand Maltese liri, for the payment of the penalty, damages and interest, and, in default, to rescind the warrant.

Time within which to bring action for judicial acknowledgement of claim.

867. A warrant issued before the debt or claim has been judicially acknowledged shall cease to be in force if the applicant, within six working days from the issue of the warrant, fails to bring his action for the acknowledgement of the debt or claim. Moreover the applicant shall be liable for damages and interests:

Provided that where a person whose ship or vessel is detained the master, person in charge or agent of the ship or vessel against which a warrant has been issued, shall have, by means of a note filed in the registry, granted an extension of such time, the warrant shall remain in force for the time so extended.

Warrant not to cease by deposit or security.

868. (1) Where the warrant has been issued for the purpose of securing the enforcement of a judgment, the warrant shall not cease to be in force by the deposit or security mentioned in section 830, but only on the payment, or the unconditional deposit in court free from the effects of any garnishee order, of the amounts due in terms of the judgment including interests and judicial costs.

(2) Nor shall the warrant cease to be in force, in any other case, unless, in addition to the deposit or security, there be appointed a regular attorney or mandatory to judicially represent the ship or vessel.

Duration of warrant.

869. (1) A warrant which has not ceased to be in force for other reasons, shall remain in force for one year to be reckoned from the day on which it was issued, unless within such time the person suing out the warrant shall have, upon an application to that effect, obtained an extension.

(2) Such extension may be granted more than once, but it may not be granted for more than one year each time.

(3) The decree allowing the extension shall state the date up to which the warrant shall remain in force.

(4) The decree allowing the extension shall be served on the persons mentioned in sections 856 and 857.

(5) None of such persons shall incur any liability if, after the expiration of the said time, whether original or extended, and before the decree of any such extension has been served on him, shall act as if the warrant had ceased to be in force.

(6) The absence of a demand for an extension shall not be a bar to the issue of a fresh warrant.

Ships not subject to detention.

870. (1) No warrant shall be issued against any ship or vessel wholly chartered in the service of the Government of Malta or employed in any postal service either by the Government of Malta or by any other government.

(2) No warrant shall be issued against any ship of war.

(3) A warrant of impediment of departure of a ship or vessel shall, on an application by the Malta Maritime Authority, be rescinded if the court is satisfied that because of the nature of its cargo or of its length, draught or other circumstances concerning safety, navigation or port operation, it is advisable that the ship or vessel should leave port without delay.".

Amendment of section 873 of the principal law.

320. Immediately after subsection (3) of section 873 of the principal law there shall be added the following new subsections:

"(4) If on an application, it is proved to the satisfaction of the court that subsequent to the issue of the warrant of prohibitory injunction the person restrained has continued with the work or demolition in breach of the court's order, the court shall, without prejudice to any other action competent to it at law, at a request of applicant, condemn the person against whom the warrant had been issued to remedy what was committed in breach of its order and to authorise in default the applicant to carry out such remedial works as the court may direct at the expense of the person restrained.

(5) A warrant of prohibitory injunction may also be demanded by a creditor to secure a debt, or any other claim whatsoever, amounting to not less than Lm4,000. The object of such a warrant is to restrain the debtor from selling, alienating, transferring or disposing *inter vivos* by onerous or gratuitous title any property: provided that such a warrant shall not apply to the constitution of any right on, or alienation or transfer of any property made pursuant to a court order.

(6) The court shall not issue any such warrant unless it is satisfied that such warrant is necessary in order to preserve any right of the person suing out the warrant, and that *prima facie* such person appears to possess such right and that unless such warrant is issued the prejudice that would be caused would not be capable of remedy:

Provided that where the warrant is intended to be issued against the Government or an authority established by the Constitution or any person holding a public office in his official capacity, such warrant will not be issued if the authority or person against whom the warrant is demanded declares in open court that the thing sought to be restrained is not intended to be done.

(7) The court may initially issue any such warrant for an interim period under such terms and conditions as it may deem appropriate.

(8) Where a warrant prohibits the sale, alienation, transfer or other disposal of immovable property the application shall contain all the particulars relating to the person against whom it is directed that are required by law in respect of the registration of a transfer of immovable property by such person in the Public Registry. Where the warrant refers to specific immovables, the application shall describe them in the manner provided for in the Public Registry Act, in respect of notes of enrolment.

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(9) The warrant referred to in subsection (8) shall upon its issue and at the expense of the applicant, be served by the Registrar within twenty-four hours on the Director of the Public Registry and the Land Registrar who shall forthwith register the same in books kept for the purpose. Such books shall be indexed and accessible to the public. It shall also be served upon any person indicated by the applicant.

(10) Upon registration of the warrant referred to in subsection (8) by the Director of the Public Registry, any future sale, alienation, transfer or disposal of immovable property to which the warrant refers shall be void and to no effect.

(11) Without prejudice to the provisions of section 836, the warrant referred to in subsection (8) shall unless previously revoked or otherwise ceases to be in force, continue to have effect for a period of six months from the date of final judgment in favour of the creditor in his action for the recovery of the debt or claim referred to in subsection (5); provided that the court may on an application filed by the person suing out the warrant within such period of six months, extend the validity of the warrant by one further period of six months. Notice of such extension shall, at the expense of the applicant, be served by the Registrar within twenty-four hours on the Director of the Public Registry and the Land Registrar.".

Renumbering of section 875A of the principal law.

321. Section 875A of the principal law shall be renumbered as tion 876 thereof.

Addition of new section 877 to the principal law.

322. The following new section shall be added after section 876 as renumbered of the principal law:—

"Warrant to restrain a person from taking a minor outside Malta.

877. (1) A warrant of prohibitory injunction may also be issued to restrain any person from taking any minor outside Malta.

(2) The warrant shall be served on the person or persons having, or who might have, the legal or actual custody of the minor enjoining them not to take, or allow anyone to take, the minor out of Malta.

(3) The warrant shall also be served on:—

(a) the officer charged with the issue of passports enjoining him not to issue, and or deliver, any passport in respect of the minor and not to include the name of the minor in the passport of the minor's legal representatives or in the passport of any other person; and

(b) the Commissioner of Police enjoining him not to allow such minor to leave Malta.

(4) If, before the service of the warrant on the officer charged with the issue of passports, a passport in respect of the minor had already been issued or the name of the minor had already been included in the passport of another person, such officer shall take the necessary steps to withdraw the passport in respect of the minor, and of any other passport which includes the name of the minor, and to delete the name of the minor from such passport.

Contents of warrant.

(5) The warrant shall contain the name and surname of the minor and any other particulars, including the date and place of birth and the names of the parents when available, so as to enable the persons served with the warrant to establish the identity of the minor.

Contempt of court in case of breach.

(6) Any person served with the warrant who, directly or indirectly, takes the minor, or allows the minor to be taken, out of Malta shall be guilty of contempt of court.

Service of decree granting extension.

(7) The provisions of subsections (1), (2), (3), (5) and (6) of section 869 shall apply to such a warrant.

(8) The decree allowing an extension of the warrant shall be served on the persons mentioned in subsections (2) and (3) of this section.".

Substitution of section 894 of the principal law.

323. Section 894 of the principal law shall be substituted by the following new section:

"How security is offered or objected to.

894. (1) Unless otherwise provided by law, the security is offered by means of a note or an application, stating the name, surname, profession, trade, or other status of the surety, his place of abode, his identity card number or that of any other official document of identification; such note or application shall be served on the parties concerned who shall, within a time to be fixed by the court according to the circumstances of each particular case, declare whether they accept or refuse the surety offered.

(2) Objection against the surety may be entered by means of a note or in the answer to the application.

(3) If the security is offered in connection with proceedings taken by application or by writ of summons, the surety may be named in the application or in the writ of summons.".

Substitution of section 897 of the principal law.

324. Section 897 of the principal law shall be substituted by the following new section:

"Form of objection.

897. Any objection to the security for costs shall be made by the opposite party in the answer or, in the case of counter-claims, in the reply. Such objection may also be made by means of a protest, provided that such protest is filed, in regard to actions before a court of first instance, within the time allowed for the answer, or in cases of a counter-claim, within the time allowed for the reply.".

Amendment of section 900 of the principal law.

325. The words "a writ of summons" in section 900 of the principal law shall be substituted by the words "an application".

Amendment of section 901 of the principal law.

326. The words "the writ of summons" in section 901 of the principal law shall be substituted by the words "the application".

Amendment of section 904 of the principal law.

327. Section 904 of the principal law shall be amended as follows:

(a) the words "to find a sufficient security" in subsection (1) thereof shall be substituted by the words "raise such security as is required by law"; and

(b) the words "the summons" in subsection (2) thereof shall be substituted by the words "the application".

Amendment of section 906 of the principal law.

328. Subsection (2) of section 906 of the principal law shall be substituted by the following:

"(2) If on the day appointed for the trial as stated in section 152, the notice mentined in subsection (2) of section 152 was not served upon him, his advocate or his legal procurator, and the failure of service has persisted for more than one month from the date first set for the trial, the court shall adjourn the case *sine die*.".

Amendment of sectin 909 of the principal law.

329. The words "the exhibits" and "such exhibits" in section 909 of the principal law shall be respectively substituted by the words "the exhibits or any other evidence" and "such exhibits or any other evidence".

Substitution of section 911 of the principal law.

330. Section 911 of the following new section:

"Benefit of legal aid.

911. (1) The demand for admission to sue or defend with the benefit of legal aid in any court mentioned in sections 3 and 4 of this Code and before any other adjudicating authority where the benefit of legal aid is by law granted, shall be made by application to the Civil Court, First Hall.

(2) Nevertheless, such demand may also be made orally to the Advocate for Legal Aid.

(3) The decree granting the benefit shall apply to all the courts and adjudicating authorities mentioned in subsection (1) of this section.

(4) The Advocate for Legal Aid shall render his professional services to persons whom he considers would be entitled to the benefit of legal aid, and prior to their obtaining such benefit, prepare and file all judicial acts, which may be of an urgent matter. The following procedure shall be followed:

(a) the Advocate for Legal Aid, shall file an application in the competent court in his own name requesting that he be authorised to file specific judicial acts, on behalf of a person or persons claiming the benefit for legal aid as he considers the matter urgent;

(b) the competent court shall, in such an event, allow such request unless there are serious reasons to the contrary;

(c) the Advocate for Legal Aid, after the judicial acts are allowed to be filed, shall then follow the normal procedure leading to the appointment or otherwise of an advocate and legal procurator *ex officio* as provided in this Title:

Provided that if the Civil Court, First Hall, shall subsequently exclude the benefit of legal aid, this shall not produce the nullity of any judicial act filed with such benefit but shall merely terminate for the future the benefit of legal aid given as aforesaid, and the court may order that the person deprived of such benefit pay all costs incurred.

(5) There shall be an Advocate for Legal Aid who shall be responsible for the Department of Legal Aid.

(6) For the purpose of this Code, the expression "Advocate for Legal Aid" means the Advocate for Legal Aid and includes any officer of the Department of Legal Aid designated by the Advocate for Legal Aid or any public officer designated by the Minister responsible for justice to perform a particular purpose or class of purposes purtaining to the Advocate for Legal Aid.".

Substitution of section 912 of the principal law.

331. Section 912 of the principal law shall be substituted by the following new section:

"Conditions for admission to the benefit of legal aid.

912. No demand as is mentioned in section 911 shall be granted unless the applicant confirms on oath, in the case of an application, before the registrar, and in the case of an oral demand, before the Advocate for Legal Aid:

(a) that he believes that he has reasonable grounds for taking or defending, continuing or being a party to proceedings; and

(b) that excluding the subject-matter of the proceedings, he does not possess property of any sort, the net value whereof amounts to a sum of not more than three thousand liri, or such other sum as the Minister responsible for justice may from time to time by order in the Gazette establish, not including everyday household items that are considered reasonably necessary for the use by applicant and his family, and that his yearly income is not more than the national minimum wage established for persons of eighteen years and over, or such other sum as the Minister responsible for justice may from time to time by order in the Gazette establish:

Provided that in calculating the said net asset value, no account shall be taken of the principal residence of applicant or of any other property, immovable or movable, which forms the subject matter of court proceedings, even though such other property is not the subject-matter of the proceedings in respect of which legal aid is being applied for:

Provided further that in calculating the income, the period of computation shall be the twelve months' period prior to the demand for the benefit of legal aid.".

Amendment of section 914 of the principal law.

332. Section 914 of the principal law shall be amended as follows:

(a) subsection (1) thereof shall be substituted by the following new subsection:

"(1) Where the demand is made by an application, the Civil Court, First Hall shall refer the application to the Advocate for Legal Aid who shall summarily examine the demand and report to the Civil Court, First Hall, whether the applicant has reasonable grounds for taking or defending proceedings, and where the demand is made orally to the Advocate for Legal Aid, he shall proceed directly with such examination and report:

Provided that no such examination shall be necessary where the demand for admission to the benefit of legal aid is made by the defendant in first instance or the respondent in second instance, and such defendant or respondent shall always be admitted to defend with such benefit upon taking the oath prescribed in section 912.";

(b) subsection (3) thereof shall be substituted by the following new subsection:

"(3) Where the Advocate for Legal Aid deems it necessary to examine witnesses, he shall apply to the Civil Court, First Hall,for such witnesses to be summoned to attend before him."; and

(c) the words "the court" in subsection (6) thereof shall be substituted by the words "the Civil Court, First Hall".

Amendment of section 915 of the principal law.

333. The words "the court" in subsection (4) of section 915 shall be substituted by the words "the Civil Court, First Hall.".

Amendment of section 916 of the principal law.

334. The words "the court" in section 916 of the principal law shall be substituted by the words "the Civil Court, First Hall".

Substitution of section 917 of the principal law.

335. Section 917 of the principal law shall be substituted by the following new section:

"Decree allowing or rejecting demand for legal aid.

917. If the report of the Advocate for Legal Aid is in favour of the applicant, the latter shall be admitted to the benefit applied for; but if the report is unfavourable, it shall be examined by the Civil Court, First Hall, which shall give the parties the opportunity to make their submissions, before it decides on whether to accept the adverse report, or to reject the report and admit the demand.".

Amendment of section 918 of the principal law.

336. The words "The court" and "it shall not be lawful for such party to have any other advocate or legal procurator" in section 918 of the pricipal law shall be respectively substituted by the words "The Civil Court, First Hall" and "it shall be lawful for such party for a good cause, to request the Court, through the Advocate for Legal Aid, to substitute the advocate or legal procurator by another advocate or legal procurator from the rota" and for the words "first assigned to him" in the proviso thereto, there shall be substituted the words "assigned to him".

Substitution of section 923 of the principal law.

337. Section 923 of the principal law shall be substituted by the following new section:

"Where person may be deprived of benefit.

923. (1) The Civil Court, First Hall, shall deprive of such benefit the person admitted to proceed with the benefit of legal aid if it is shown that he possesses capital or income exceeding that established for the grant of legal aid.

(2) If it is shown that he knowingly possessed such capital or income at the time the benefit of legal aid was granted or that he knowingly had an increase in his financial circumstances *pendente lite* thereby possessing such capital or income in excess of that established for the grant of legal aid and had failed to report the same to the Civil Court, First Hall, then it shall be lawful for the said Court to condemn him for contempt of court:

Provided that no contempt proceedings shall be taken by the said Court if such a person is liable to legal proceedings for perjury, and the said Court has ordered that he be forthwith arrested, and that a copy of the acts be transmitted without delay, through the registrar, to the Court of Magistrates in order that proceedings may be taken according to law.

(3) The Civil Court, First Hall, shall also deprive the applicant of such benefit if he is proceeding vexatiously.

(4) In all cases in which the applicant for the benefit of legal aid has been deprived of such benefit, he shall be liable personally for all the costs of the proceedings to which he would have been liable it the benefit of legal aid had not been granted to him.".

Amendment of section 924 of the principal law.

338. The words "the court" in section 924 of the principal law shall be substituted by the words "the Civil Court, First Hall".

Substitution of section 925 of the principal law.

339. Section 925 of the principal law shall be substituted by the following new section:

"Duties of advocate or legal procurator.

925. (1) The advocate or legal procurator assigned to the person admitted to the benefit of legal aid shall:

(a) act in the best interest of the person admitted to the benefit of legal aid;

(b) appear in court when the case of the person admitted to the benefit of legal aid is called;

(c) make the necessary submissions and file the requisite notes, writs of summons, statements of defence, notices, applications, and other written pleadings as circumstances require.

(2) The advocate or legal procurator shall remain responsible for a cause assigned to him as aforesaid, until the same has been finally disposed of, even though the period of his appointment may have expired.".

Repeal of sections 926, 927 and 928 of the principal law.

340. Sections 926, 927 and 928 of the principal law shall be repealed.

Amendment of section 929 of the principal law.

341. Paragraph (d) of section 929 of the principal law shall be substituted by the following new paragraph:

"(d) in the interest of any commercial partnership registered or established under the Commercial Partnerships Ordinance or any other law substituting the same Ordinance or any body of persons or other organization if the person or any of the persons vested with the representation thereof is or are absent from Malta or where there is or are no such person or persons, or enough persons vested with such representation.". Cap. 168.

Amendment of section 931 of the principal law.

342. The words "a copy of such banns" in subsection (2) and the words "a copy of the banns" in subsection (3) of section 931 of the principal law shall be substituted by the words "a copy of the banns together with a copy of the pleading or a summary thereof".

Amendment of sections 932 and 934 of the principal law.

343. The words "four days" wherever they occur in subsection (1) of section 932 and in section 934 of the principal law shall be substituted by the words "six days".

Substitution of section 936 of the principal law.

344. Section 936 of the principal law shall be substituted by the following section:

"Duties of curators.

936. (1) The curators are bound to use their best diligence for the benefit of the interest which they represent. The duties of the curators shall include the following:

(a) to fully inquire as to the rights of the persons whom they represent and to identitfy these rights;

(b) to take all the necessary measures to safeguard the aforesaid rights;

(c) to contact forthwith the person or persons whom they represent, if the address is known; if unknown, they are to take all possible measures to find out their address including that of publishing, with the authority of the court, a notice in a newspaper of the place where last known;

(d) to inform the person or persons whom they represent of any judicial act and of the contents thereof;

(e) to obtain all the necessary information to defend the interests of the person or persons whom they represent;

(f) to continue looking after the interests of the person or persons whom they represent with regard to pending matters although the period of appointment under sections 89 or 90 may have expired; and

(g) to keep the court regularly informed of all actions taken in the execution of their duties.

(2) The curators shall be liable for damages and interest which may be occasioned by their negligence.".

Substitution of section 938 of the principal law.

345. Section 938 of the principal law shall be substituted by the following new section:

"Fees due to official curators.

938. The curators appointed from the rota shall, respectively, be entitled to the necessary expenses incurred by them and to such fees as according to the tariffs in Schedule A annexed to this Code are generally due to the advocate and the legal procurator in a cause:

Provided that the court may at the request of the curator order that a provisional sum be paid on account and in advance to the curator by the person requesting the appointment of such curator to cover expenses which the curator indicates that he would be incurring:

Provided further that where the court removes a curator in case of misconduct or negligence according to the provisions of section 96, the court shall order that no fees as aforesaid be paid to the curator or that only a specified portion thereof be paid, without prejudice to any other right competent to the person he was representing for damages suffered.".

Substitution of section 945 of the principal law.

346. Section 945 of the principal law shall be substituted by the following new section:

"Duties of registrar in connection with withdrawal of money

945. (1) Where a deposit is withdrawn, wholly or in part, either on account or in full settlement of a debt due under a judgement or other public deed, or under an award made and deposited in accordance with the provisions contained in Title XVI of Book Third of this Code, the registrar shall, on the demand and at the expense of any person interested, enter a note of such withdrawal in the margin of the judgment or award, and transmit a note thereof to the notary or other officer before whom the deed from which the debt arises was received or who is the keeper thereof.

Reductions and cancellations of lawful causes of preference.

(2) Where the debt referred to in subsection (1) of this section is secured by any one of the lawful causes of preference specified under section 1996 of the Civil Code, any interested party may effect the reduction or cancellation of the relative registration in the manner provided in sections 2065 and 2066 of the aforementioned Code. The relative note shall be signed by the person requesting the reduction or cancellation of the registration or by an advocate, a notary or a legal procurator.

Additional pre-requisite for registration.

(3) It shall be a pre-requesite for such registration that an authentic copy of the note of withdrawal referred to in subsection (1) of this section be annexed to the note of reduction or cancellation.".

Amendment of section 946 of the principal law.

347. The words "either by libel or" in subsection (1) of section 946 of the principal law shall be substituted by the word "by".

Repeal of sections 952 to 959 of the principal law.

348. Sections 952 to 959 of the principal law shall be repealed.

Amendment of section 962 of the principal law.

349. The words "libel or writ of summons" in section 962 of the principal law shall be substituted by the words "writ of summons".

Amendment of section 963 of the principal law.

350. The words "the libel" and the words "the petition" in subsection (2) of section 963 of the principal law shall be respectively substituted by the words "the writ of summons" and "the application of appeal".

Amendment of section 964 of the principal law.

351. Subsection (2) of section 964 shall be substituted by the following new subsection:

"(2) The registrar shall draw up and publish separate lists of the causes thus pending before each of the Superior Courts, namely, the Civil Court, First Hall, the Court of Appeal and the Constitutional Court. Similar lists shall likewise be drawn up and published by the registrar with regard to causes pending before the Court of Magistrates (Gozo) in its superior jurisdiction.".

Amendment of section 965 of the principal law.

352. Section 965 of the principal law shall be amended as follows:

(a) paragraphs (b), (c) and (d) thereof shall respectively be renumbered as paragraphs (c), (d) and (e);

(b) the following new paragraph shall be added after paragraph (a) thereof:

"(b) if where the cause has been suspended consequent to the fact that the plantiff or appellant has not been served with the notice of the day appointed for the trial, none of the parties shall have taken the necessary steps for the hearing of the case to be commenced or proceeded with by the filing of the relative application accompanied by a note indicating the last known address of the plaintiff or appellant, such note to be confirmed on oath by applicant; or"; and

(c) the words "paragraphs (a) or (b) or (c) above" in paragraph (e) as renumbered shall be substituted by the words "paragraphs (a) or (b) or (c) or (d) above".

Amendment of section 970 of the principal law.

353. The words "withdrawal of the action from the jurisdiction of that court; but no registry fees shall be levied for such discontinuance;" in paragraph (c) of subsection (2) of section 970 of the principal law shall be substituted by the words "stay of the action;".

Amendment of section 1000 of the principal law.

354. The word "not" in section 1000 of the principal law and in the marginal note thereto shall be deleted.

Addition of new section 1003A to the principal law.

355. The following new section 1003A shall be added after section 1003 of the principal law:—

"Registrar shall institute etc. contempt proceedings.

1003A. In any proceedings for contempt of court, the Registrar shall institute, as directed by the court, the necessary proceedings and, for all intents and purposes of law, he shall be considered as the plaintiff.".

Addition of new section 1009A to the principal law.

356. Immediately after section 1009 of the principal law there shall be added the following new section 1009A:

"Procedure by electronic means.

1009A. The Minister responsible for justice may make regulations providing for or allowing —

(i) the making of judicial acts by means of electronic equipment;

(ii) the transmission and service by the use of electronic means,

in connection with judicial acts, court proceedings, records and services, and without prejudice to the generality of the forgoing such regulations may provide for —

(a) the form of judicial acts prepared by electronic means;

(b) the transmission, filing and service of acts by electronic equipment and for the way in which such service is to be evidenced;

(c) the storing of court records by electronic means and the mode whereby such records are to be authenticated and how copies thereof are to be made and authenticated;

(d) the fees that may be charged in connection with the use of such electronic means in relation to the making, transmission, filing or service of judicial acts, and for the making of copies of court records; and

(e) such other matter consequential or incidental thereto including such transitional provisions as may appear to the Minister to be necessary or expedient in connection therewith.".

General amendments to the principal law.

357. In the principal law wherever they occur:

(a) the words "Commercial Court" shall be substituted by the words "Civil Court, First Hall "·

(b) the words "Court of Magistrates of Judicial Police for the Island of Malta" shall be substituted by the words "Court of Magistrates (Malta)";

(c) the words "Court of Magistrates of Judicial Police for the Islands of Gozo and Comino" shall be substituted by the words "Court of Magistrates (Gozo)";

(d) the words "Court of Magistrates of Judicial Police" shall be substituted by the words "Court of Magistrates"; and

(e) the words "registrar of the Superior Courts" shall be substituted by the words "Registrar of Courts".

Amendment of Schedule B to the principal law.

358. In the application, namely on the first page, of form No. 12/No. 13 in Schedule B to the principal law, for the words from "to bring with him the documents." to "Legal Procurator" there shall be substituted the following:

"to bring with him the documents referred to hereunder.

Name and address of the person summoned to attend as a witness:

Documents to be brought by him:

Date, time and place where he is to attend:

Advocate Legal Procurator".

Introduction of new Schedule C to the principal law.

359. The following new "Schedule C" shall be inserted after "Schedule B" of the principal law:—

"SCHEDULE C
(Section 249)

(1) ..... Bank Ltd stands surety *in solidum* with appellant (2) .... for the costs of the appeal entered in the case (3) ..... up to the amount of (4) ..... Maltese liri (Lm) and this for the purpose and in terms of section 249 of the Code of Organization and Civil Procedure, Cap. 12.

This suretyship shall remain in force up to six months from the date on which the said appeal is decided, withdrawn or deemed deserted and consequently it will lapse if no written demand arising from this suretyship is made within the said period of six months.

Before effecting any payment under this suretyship, the Bank may require the production of the Registrar's declaration stating the date on which the appeal has been decided, withdrawn or deserted as well as of the necessary documentation in support of the claim for payment.

Today the day of 19

(5) .....
for Bank Ltd

(1) Name of Bank
(2) Details of application
(3) Details of appealed case
(4) Amount of surety
(5) Signatory of Bank".

Amendment of laws in Schedule.

360. The enactments specified in the First Column of the Schedule to this Act shall have effect subject to the amendments specified in the Second Column thereof.

Repeal of Judicial Assistants and Evidence by Affidavit Act, Cap. 309.

361. (1) The Judicial Assistants and Evidence by Affidavit Act is hereby repealed.

(2) The Judicial Assistants appointed under the Act repealed by subsection (1) of this section shall be deemed to be appointed under the principal law as amended by this Act, and any affidavit or other act made by virtue or under the provisions of that Act, and any other thing made in virtue of that Act, shall remain valid in the same manner as if it were done in virtue or under the provisions of the principal law as amended by this Act.

Transitory provisions.

362. (1) Subject to the provisions of the following subsections of this section, the provisions of the principal law as amended by this Act and of the laws referred to in the Schedule to this Act as amended by this Act, shall apply to any procedures before any court or tribunal to which such Code or laws apply, and which on that date are still pending and have not become *res judicata*.

(2) Nothing in subsection (1) of this section shall invalidate any procedure whether written or oral which may have been made before the coming into force of this Act and which was valid according to the law as in force on the date when made.

(3) The provisions of sections 156, 157 and 158 of the principal law as amended by this Act, relative to the trial of causes, the establishment of issues of fact and of law, and the production of evidence, shall be applied by the courts also in relation to causes already pending before the courts on the date of the coming into force of this Act with such modifications as the court may in the circumstances deem necessary, and where a cause is on that date pending before the judicial assistant or the judicial referee for any reason, the court shall for the purposes of this subsection make such orders as it may deem necessary to ensure that if the case is continued before the referee or judicial assistant, the same procedures in the said sections 156, 157 and 158 shall *mutatis mutandis* be applied by the judicial assistant or the judicial referee as the case may be:

Provided that no appeal shall lie from any order given by a court under this subsection except together with an appeal on the merits of the case.

(4) Any warrant issued prior to the coming into force of this Act shall continue to be valid notwithstanding anything contained in this Act, but shall only be renewed on its expiry if such warrant could be issued or extended in accordance with the principal law as amended by this Act:

Provided that any warrant of impediment of departure of any person shall not remain in force later than one calendar month after the coming into force of this Act.

(5) Any court which was seized of a case before the coming into force of this Act shall remain competent to deal with such case even though such court may, in accordance with the Code as amended by this Act not be competent *ratione valoris*.

(6) Causes which on the coming into force of this Act are pending before the Commercial Court or before the Court of Magistrates (Gozo) in its superior commercial jurisdiction, shall on the coming into force of this Act, be continued before the Civil Court, First Hall, and the Court of Magistrates (Gozo) in its superior jurisdiction respectively.

(7) The amendments made by this Act to the Criminal Code shall also apply to any proceedings pending before any court of criminal jurisdiction on the date of the coming into force of this Act and notwithstanding any judgment thereon which has not become *res judicata*.

(8) In any enactment, any reference to the "Commercial Court" and to the "Registrar of the Superior Courts" shall be deemed respectively to be a reference to the "Civil Court, First Hall" and to the "Registrar of Courts".

(9) The Minister responsible for justice may by regulations amend any enactment in such manner that any reference therein to the Courts, the Registrar and any officer of the courts appearing therein in conformity with their designation in the principal law or any other enactment as in force immediately before the coming into force of this Act, will be substituted by a reference to the same as their designation is amended by this Act or by the Inferior Courts (Designation) Act.

Cap. 340.

(10) Where on the coming into force of this Act a court has pending before it any case which has been so pending for a period of ten years, it shall give priority to the hearing of that case so that the same is decided and determined not later than one year from the coming into force of this Act.

(11) (a) The provisions of sections 466, 467 and 468 of the principal law as in force prior to the coming into force of this Act shall continue to apply in respect of any warrant of seizure obtained thereunder subject to the provisions of this section.

(b) Any warrant of seizure obtained by the Head of a Government Department under the provisions of section 466 of the principal law as in force prior to the coming into force of this Act shall be rescinded by the Court if, upon application filed by the debtor within a period of thirty days from the coming into force of this Act or from the day when the debtor is first served with the said warrant or with a judicial act based thereon and containing reference thereto, whichever is the later, the Court is satisfied that the claim of the Head of the Government Department is unfounded on the merits.

(12) Notwithstanding any provision of the principal law as amended by this Act, when the Court shall have appointed an advocate as a referee in order to hear evidence and report about a case without the assistance of a technical expert and, upon the coming into force of this Act the said report shall not have yet been filed, the Court shall:

(i) revoke the appointment of the referee and proceed to hear the case itself according to the provisions of paragraph (b) of subsection (2) of section 202, introduced by virtue of section 103 of this Act; or

(ii) allow the referee to retain his appointment, in which case the hearing of evidence before the referee shall be regulated by the provisions of paragraph (c) of subsection (2) of section 202 of the principal law as introduced by section 103 of this Act subject to those variations as the Court may deem fit in the circumstances, but provided that the Court shall ensure that the time limits established in the said paragraph are, as far as possible, adhered to.

SCHEDULE

(Section 360)

First Column Enactment	Second Column Extent of Amendment
Ecclesiastical Courts (Constitution and Jurisdiction) Law (Cap. 1).	Subsection (2) of section 4 thereof shall be deleted.
Criminal Code (Cap. 9).	1. Section 369 thereof shall be substituted by the following: "Duties of Registrar. 369. In the Court of Magistrates, the functions of registrar may be performed by any officer mentioned in paragraph (a) of subsection (2) of section 57 of the Code of Organization and Civil Procedure as may be assigned for the purpose by the Registrar.". Cap. 12.
	2. Section 496 thereof shall be substituted by the following: "Functions of registrar in the Criminal Court. 496. (1) The functions of the registrar in the Criminal Court may be performed by any officer mentioned in paragraph (a) of subsection (2) of section 57 of the Code of Organization and Civil Procedure. Cap. 12. (2) The functions of a marshal may in the Criminal Court be performed by any of the executive officers of the Courts mentioned in subsection (1) of section 67 of the Code of Organization and Civil Procedure.".
	3. Section 514 thereof shall be substituted by the following: Functions of registrar in the Court of Criminal Appeal. 514. (1) The functions of the registrar in the Court of Criminal Appeal may be performed by any officer mentioned in paragraph (a) of subsection (2) of section 57 of the Code of Organization and Civil Procedure. (2) The functions of a marshal may in the Court of Criminal Appeal be performed by any of the executive officers of the Courts mentioned in subsection (1) of section 67 of the Code of Organization and Civil Procedure.".

First Column Enactment	Second Column Extent of Amendment
Conditions of Employment (Regulation) Act (Cap. 135).	Section 21 thereof shall be substituted by the following new section:
	"Attachment or assignment of wages. 21. (1) Wages payable by an employer to an employee may not be assigned.
	(2) Wages payable by an employer to an employee may not be attached save according to the provisions of sections 381, 382 and 849 of the Code of Organization and Civil Procedure.
	(3) The provisions of subsections (1) and (2) of this section shall not apply where the assignment or attachment is intended to ensure the payment of maintenance due to the wife, or to a minor child or to an incapacitated child or to an ascendant of the employee.".
Agricultural Leases (Reletting) Act (Cap. 199).	1. The words "any other provision of the said Code" shall be inserted after the words "Civil Procedure" in section 16 thereof.
	2. The words "of Title X of Book Third" in section 16 thereof shall be deleted.
Immigration Act (Cap. 217).	The words "of a warrant of impediment of departure or of any other warrant" in section 17 and in subsection (3) of section 22 thereof shall be respectively substituted by the words "of any warrant".
Malta Armed Forces Act (Cap. 220).	1. Subsection (4) of section 173 thereof shall be substituted by the following subsection:
	"(4) Reference in this section to the registrar of the court include reference to any of the officers mentioned in paragraphs (a) of subsection (2) of section 57 of the Code of Organization and Civil Procedure.". Cap. 12.
	2. The words "civil, criminal or commercial" in subsection (3) of section 174 thereof shall be substituted by the words "civil or criminal".
Housing Authority Act (Cap. 261).	Section 21 thereof shall be deleted.
Industrial Relations Act (Cap. 266).	1. The words "section 743" in subsection (1) of section 29 of the English text thereof shall be substituted by the words "section 734".
Members of Parliament Pensions Act (Cap. 280).	The words "subsection (2)" in subsection (1) of section 8 thereof shall be substituted by the words "subsection (3)".

First Column Enactment	Second Column Extent of Amendment
	4. In paragraph (d) of subsection (1) of section 520 thereof, for the words "109, 113 and 114;" there shall be substituted the words "subsection (1) of section 109, sections 113 and 114;".
	5. In subsection (1) of section 604 thereof, the words "the Registrar of the Inferior Courts," shall be deleted.
Commercial Code (Cap. 13).	Subsection (3) of section 47 thereof shall be deleted.
Maintenance Orders (Facilities for Enforcement) Ordinance (Cap. 48).	The words "Registrar of the Superior Courts" in section 3 thereof shall be substituted by the words "Registrar of Courts".
Notarial Profession and Notarial Archives Act (Cap. 55).	The words "Judges of the Superior Court in subsection (2) of section 110 shall be deleted.
Traffic Regulation Ordinance (Cap. 65).	Subsection (3) of section 14 thereof shall be substituted by the following new subsection: "(3) From the decision of the Authority an appeal shall lie to the Court of Appeal. Such appeal shall be entered by an application within four days from the date on which the decision was given. The application shall be served to the Authority which shall file an answer thereto within four days. The pleadings on any such appeal shall be deemed to be closed with the answer of the Authority, or at the expiration of the time for such answer.".
Reletting of Urban Property (Regulation) Ordinance (Cap. 69).	Section 36 thereof shall be substituted by the following new section: "Legal aid. Cap. 12. 36. The provisions of Title X of Book Third of the Code of Organization and Civil Procedure and any other provisions of the said Code relating to the benefit of legal aid shall apply to parties to proceedings before the Board.".
Witnesses (Fees) Ordinance (Cap. 108).	1. The words "but does not include an *ex parte* witness in terms of sections 563A and 563B of the Code of Organization and Civil Procedure" shall be added immediately at the end of the definition of the expression "witness" in section 2 thereof.
	2. The following new section shall be added after section 10 thereof: "Minister may amend, substitute or make additions to the Schedules. 11. The Minister responsible for justice may by regulations amend, substitute or make additions to the Schedules to this Ordinance.".

First Column Enactment	Second Column Extent of Amendment
Electro-Magnetic Recording of Proceedings Act (Cap. 284).	1. The definition of the term "tapes" in section 2 thereof shall be substituted by the following new definition: ""tapes" means the tapes or other objects on which proceedings have been recorded by any electro-magnetic means and inlcudes also a master tape;".
	2. The following new section shall be added after section 6 thereof: "Copies of tapes. 7. (1) The Registrar may give copies of the originals of the tapes on payment of such fee prescribed as the Minister responsible for justice may by regulations prescribe.".
Permanent Commission Against Corruption Act (Cap. 326).	The words "subsection (3)" in subsection (3) of section 9 thereof shall be substituted by the words "subsections (3) to (6)".

Passed by the House of Representatives at Sitting No. 448 of the 26th July, 1995.

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