Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,086, 14 ta' Lulju, 2023
Taqsima A

MALTA

ATT Nru XXIII tal-2023

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

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

ACT No. XXIII of 2023

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.) **GEORGE VELLA**
President

14 ta' Lulju, 2023

ATT Nru XXIII tal-2023

ATT sabiex 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 tal-istess, ħareġ b'liġi dan li ġej:-

Titolu fil-qosor u bidu fis-seħħ.
Kap. 12.

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2023 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u dan l-Att għandu jinqara u jinftiehem ħaġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawn iżjed 'il quddiem imsejjaħ "il-Kodiċi".

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

Żieda ta' artikolu ġdid fil-Kodiċi.

2. Minnufih wara l-artikolu 36 tal-Kodiċi għandu jiġi miżjud dan

l-artikolu ġdid li ġej:

"Ġurisdizzjoni tal-Qrati ta' Għawdex f'kawżi kostituzzjonali. Kap. 319.

36A. (1) Il-Prim'Awla tal-Qorti Ċivili meta tkun qiegħda teżerċita l-ġurisdizzjoni tagħha sabiex tisma' kawżi preżentati taħt id-dispożizzjonijiet tal-Kostituzzjoni jew taħt l-Att dwar il-Konvenzjoni Ewropea għandha żżomm is-seduti tagħha fil-bini tal-Qrati ta' Għawdex meta tieħu konjizzjoni ta' kawżi fejn ir-rikorrent ikun persuna naturali li jkollha r-residenza ordinarja tagħha jew persuna legali li jkollha l-uffiċċju reġistrat tagħha, fil-Gżejjer ta' Għawdex u Kemmuna.

(2) Is-subartikolu (1) ma għandux japplika fejn, meta tiġi preżentata l-kawża l-għadd ta' rikorrenti u intimati, eskluż l-intimati li jkunu jirrappreżentaw lill-Gvern jew lil xi awtorità pubblika, li joqogħdu fil-gżira ta' Malta jkun aktar minn dak tar-rikorrenti u l-intimati li joqogħdu fil-gżejjer ta' Għawdex u Kemmuna, u f'dak il-każ is-seduti tal-Qorti għandhom jinżammu fil-bini tal-qrati f'Malta.".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 145 tal-10 ta' Lulju, 2023.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

VERŻJONI ELETTRONIKA

I assent.

(L.S.) **GEORGE VELLA**
President

14th July, 2023

ACT No. XXIII of 2023

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) The short title of this Act is the Code of Organization and Civil Procedure (Amendment) Act, 2023 and this Act shall be read and construed as one with the Code of Organisation and Civil Procedure, hereinafter referred to as "the Code".

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

Addition of a new article to the Code.

2. Immediately after article 36 of the Code there shall be added

the following new article:

"Jurisdiction of the Courts of Gozo in constitutional cases.
Cap. 319.

36A. (1) The Civil Court, First Hall when exercising its jurisdiction to hear cases filed under the provisions of the Constitution or of the European Convention Act shall hold sittings in the building of the Courts of Gozo when taking cognizance of cases where the applicant is a natural person having his ordinary abode, or a legal person having its registered office, in the islands of Gozo and Comino.

(2) Sub-article (1) shall not apply where, when the case is filed the number of applicants and respondents, excluding respondents who are representatives of the Government or of any public authority, residing in the island of Malta exceeds the number of applicants and respondents residing in the islands of Gozo and Comino, in which case the sittings of the Court shall be held in the building of the courts in Malta.".

Passed by the House of Representatives at Sitting No. 145 of the 10th July, 2023.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

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