

MALTA**ATT Nru. IV ta' l-1984**

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

ATT biex ikompli jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap. 15.

ACT No. IV of 1984

AN ACT enacted by the Parliament of Malta.

AN ACT further to amend the Code of Organization and Civil Procedure, Cap. 15.

Nagħti l-kunsens tiegħi.

(L.S.)

AGATHA BARBARA
President

13 ta' Marzu, 1984

ATT Nru. IV ta' 1-1984

ATT biex ikompli jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap. 15.

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.

1. Dan l-Att jista' jissejjah l-Att ta' 1-1984 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u għandu jinqara u jiftiehem ħaġa wahda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawnhekk iżjed 'il quddiem imsejjaħ "il-liġi prinċipali".

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

2. Minnufih wara s-subartikolu (1) ta' l-artikolu 308 tal-liġi prinċipali għandu jiżdied il-proviso ġdid li ġej:

"Izda meta l-beni immobbli jkunu wżati jew maħsuba li jiġu wżati bħala lukanda, kursal jew fabrika, ma ssir ebda stima qabel il-bejgħ fi-irkant ta' dawk il-beni immobbli u ta' kull artijiet, bini jew amenitajiet, konnessi magħhom jew komplimentari għalihom, għal kollox jew f'parti, jew tal-jeddijiet imgħaqqdin ma' dawk il-beni jew ta' l-għamara u oġġetti mobbli, impjant, makkinarju u tagħmir ieħor, li jgħammru jew iservu għall-użu ta' xi beni bħal dawk Għall-finijiet ta' dan il-proviso "kursal" għandha l-istess tifsir kif mogħti lilha bl-artikolu 2 ta' l-Ordinanza ta' 1-1962 dwar il-Kursal."

Ord. XVI ta' 1-1962

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

3. Minnufih fit-tarf ta' l-artikolu 325 tal-liġi prinċipali għandu jiżdied il-proviso ġdid li ġej:

"Izda d-dispożizzjonijiet ta' dan l-artikolu ma għandhom japplikaw għal bejgħ ta' xi beni msemija fil-proviso għas-sub artikolu (1) ta' l-artikolu 308."

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

4. Minnufih wara s-subartikolu (3) ta' l-artikolu 327 tal-liġi prinċipali għandu jiżdied is-subartikolu ġdid li ġej:

“(4) Id-dispożizzjonijiet tas-subartikoli (2) u (3) ta’ dan l-artikolu ma għandhomx japplikaw għal bejgħ ta’ xi beni msemmija fil-proviso għas-subartikolu (1) ta’ l-artikolu 308.”.

5. Minnufih wara s-subartikolu (2) ta’ l-artikolu 328 tal-liġi prinċipali għandu jiżdied is-subartikolu ġdid li ġej:

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

“(3) Id-dispożizzjonijiet ta’ dan l-artikolu ma għandhomx japplikaw għal bejgħ ta’ xi beni msemmija fil-proviso għas-subartikolu (1) ta’ l-artikolu 308.”.

6. Minnufih wara l-proviso għall-artikolu 356 tal-liġi prinċipali għandu jiżdied il-proviso ġdid li ġej:

Emenda ta’
l-artikolu 356
tal-liġi
prinċipali.

“Izda wkoll il-jedd ta’ fidwa ma jistax jiġi eżerċitat dwar bejgħ ta’ xi beni msemmija fil-proviso għas-subartikolu (1) ta’ l-artikolu 308.”.

7. Minnufih wara l-proviso għall-artikolu 357 tal-liġi prinċipali għandu jiżdied il-proviso ġdid li ġej:

Emenda ta’
l-artikolu 357
tal-liġi
prinċipali.

“Izda wkoll dak il-jedd ma jistax jiġi eżerċitat dwar bejgħ ta’ xi beni msemmija fil-proviso għas-subartikolu (1) ta’ l-artikolu 308.”.

8. Id-dispożizzjonijiet ta’ dan l-Att għandhom japplikaw għal proċedimenti għall-bejgħ bl-irkant li jkunu diġà pendenti fil-ġurnata li tiġi minnufih qabel il-bidu fis-sehħ ta’ dan l-Att.

Dispożizzjoni
tranzitorja.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 161 tat-12 ta’ Marzu, 1984.

DANIEL MICALLEF
Speaker

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

AGATHA BARBARA
President

13th March, 1984

ACT No. IV of 1984

AN ACT further to amend the Code of Organization and Civil Procedure, Cap. 15.

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.

1. This Act may be cited as the Code of Organization and Civil Procedure (Amendment) Act, 1984, and shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter referred to as "the principal law".

Amendment
of section 308
of the principal
law.

2. Immediately after subsection (1) of section 308 of the principal law there shall be added the following proviso:

"Provided that where the immovable property is used or intended to be used as an hotel, a kursaal or a factory, no appraisal before the sale by auction shall be made of such immovable property and of any lands, buildings or amenities, connected therewith or complimentary thereto, wholly or in part, or rights annexed to such property, or of the furniture and movable effects, plant, machinery and other equipment, furnishing or serving for the use of any such property. For the purposes of this proviso "kursaal" has the same meaning as is assigned to it by section 2 of the Kursaal Ordinance, 1962."

Ord. XVI of
1962

Amendment
of section 325
of the principal
law.

3. Immediately at the end of section 325 of the principal law there shall be added the following proviso:

"Provided that the provisions of this section shall not apply to a sale of any property referred to in the proviso to subsection (1) of section 308."

Amendment
of section
327 of the
principal law.

4. Immediately after subsection (3) of section 327 of the principal law there shall be added the following new subsection:

“(4) The provisions of subsections (2) and (3) of this section shall not apply to a sale of any property referred to in the proviso to subsection (1) of section 308.”.

5. Immediately after subsection (2) of section 328 of the principal law there shall be added the following new subsection: Amendment of section 328 of the principal law.

“(3) The provisions of this section shall not apply to a sale of any property referred to in the proviso to subsection (1) of section 308.”.

6. Immediately after the proviso to section 356 of the principal law there shall be added the following new proviso: Amendment of section 356 of the principal law.

“Provided further that the right of re-purchase shall not be exercisable in respect of a sale of any property referred to in the proviso to subsection (1) of section 308.”.

7. Immediately after the proviso to section 357 of the principal law there shall be added the following new proviso: Amendment of section 357 of the principal law.

“Provided further that such right shall not be exercisable in respect of a sale of any property referred to in the proviso to subsection (1) of section 308.”.

8. The provisions of this Act shall apply to proceedings for the sale by auction already pending on the day immediately preceding the coming into force of this Act. Transitory provision.

Passed by the House of Representatives at Sitting No. 161 of the 12th March, 1984.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives