

**MALTA**

**ATT Nru. XII ta' l-1985**

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

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

**ACT No. XII of 1985**

AN ACT enacted by the Parliament of Malta.

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

Nagħti l-kunsens tiegħi.

(L.S.)

AGATHA BARBARA  
President

24 ta' Lulju, 1985

### ATT Nru. XII ta' l-1985

*ATT blex 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, hareġ b'liġi dan li ġej:—

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1985 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u għandu jinqara u jiftiehem hekk waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawnhekk iżjed 'il quddiem imsejjah "il-liġi prinċipali".

Titolu fil-qosor  
u bidu fis-seħh

(2) Id-dispożizzjonijiet ta' dan l-Att għandhom jibdeu isehħu f'dik il-għurnata li l-Ministru responsabbli għall-ġustizzja jista' jstabbilixxi b'avviż fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti jew għal għanijiet differenti ta' dan l-Att.

2. Fl-artikolu 46 tal-liġi prinċipali minflok il-kliem "ħamsin lira" kull fejn jinsabu għandhom jidhlu l-kliem "mitejn u ħamsin lira Maltin".

Emenda ta'  
l-artikolu 46  
tal-liġi  
prinċipali.

3. Fl-artikolu 47 tal-liġi prinċipali minflok il-kliem "ħamsin lira" għandhom jidhlu l-kliem "mitejn u ħamsin lira Maltin".

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

4. Fl-artikolu 50 tal-liġi prinċipali minflok il-kliem "tlett mitt lira" għandhom jidhlu l-kliem "ħames mitt lira Maltin".

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

- Emenda ta' l-artikolu 51 tal-liġi prinċipali.**
- 5.** Fl-artikolu 51 tal-liġi prinċipali minflok il-kliem “tlett mitt lira” kull fejn jinsabu għandhom jidhlu l-kliem “ħames mitt lira Maltin”.
- Emenda ta' l-artikolu 226 tal-liġi prinċipali.**
- 6.** Fis-subartikolu (2) ta' l-artikolu 226 tal-liġi prinċipali minflok il-kliem “għaxar liri” għandhom jidhlu l-kliem “ħamsin lira Maltin”.
- Sostituzzjoni ta' l-artikolu 250 tal-liġi prinċipali.**
- 7.** Minflok l-artikolu 250 tal-liġi prinċipali għandu jidhol dan li ġej:
- “Kif issir l-eżekuzzjoni ta' titli eżekuttivi.
250. Bla ħsara għal kull dispożizzjoni oħra tal-liġi dwar il-mandati *in factum* l-eżekuzzjoni b'wiehed mill-mezzi msemmijin fl-artikolu 274, tista' ssir biss bis-saħħa ta' titlu eżekuttiv.”.
- Thassir ta' l-artikolu 252 tal-liġi prinċipali.**
- 8.** L-artikolu 252 tal-liġi prinċipali għandu jiġi mħassar.
- Emenda ta' l-artikolu 274 tal-liġi prinċipali.**
- 9.** Il-paragrafu (c) ta' l-artikolu 274 tal-liġi prinċipali għandu jiġi mħassar.
- Emenda ta' l-artikolu 276 tal-liġi prinċipali.**
- 10.** Fis-subartikolu (1) ta' l-artikolu 276 tal-liġi prinċipali minflok il-kliem “għaxar liri” għandhom jidhlu l-kliem “ħamsin lira Maltin”.
- Emenda ta' l-artikolu 355 tal-liġi prinċipali.**
- 11.** Fis-subartikolu (2) ta' l-artikolu 355 tal-liġi prinċipali minflok il-kliem “ħamsin lira” għandhom jidhlu l-kliem “mitejn u ħamsin lira Maltin”.
- Thassir tas-Sub-Titlu III tat-Titlu VII tat-Taqsima I tat-Tieni Ktieb tal-liġi prinċipali.**
- 12.** Is-Sub-Titlu III tat-Titlu VII tat-Taqsima I tat-Tieni Ktieb tal-liġi prinċipali għandu jiġi mħassar.
- Sostituzzjoni ta' l-artikolu 387 tal-liġi prinċipali.**
- 13.** Minflok l-artikolu 387 tal-liġi prinċipali għandu jidhol dan li ġej:
- “Il-manteniment hu bi spejjeż ta' min jitlob il-mandat.
387. (1) Ma jista' jiġi eżegwit ebda mandat *in factum*, qabel ma dak li jkun talab il-mandat jagħti f'idejn il-Marixxall somma li tiġi stabbilita mill-Qorti, biex tingħata, bil-mezz tal-kalzrier, lill-persuna li kontriha jkun inħareġ il-mandat, għall-manteniment tagħha ta' sebat ijiem kompriż il-jum ta' l-arrest; u l-kalzrier ma għandux jirċievi lill-arrestat qabel ma jkun sar dan id-depożitu.
- (2) Somma daqs dik ta' hawn fuq għandha tiġi mqegħda f'idejn il-kalzrier kull sebat ijiem bil-quddiem u mhux iżjed tard minn nofs in-nhar ta' l-aħħar ġurnata ta' kull perijodu ta' ġimgha. Din is-somma għandha tiġi mogħtija lill-arrestat.
- (3) Il-Marixxall u l-kalzrier għandhom jagħtu irċevuta ta' dak id-depożitu.”.

**14.** Minnufih wara l-paragrafu (d) ta' l-artikolu 645 tal-liġi prinċipali għandu jiżied il-proviso li ġej għal dak il-paragrafu:

Emenda ta' l-artikolu 645 tal-liġi prinċipali.

“Iżda fuq talba tar-Registratur, il-Qorti tista' f'kull żmien qabel il-jum li għalih tkun giet imhollija l-kawża, tordna lill-periti li jirritornaw fir-Registru ta' l-istess Qorti l-atti tal-kawża fil-pussess tagħhom u li jibqgħu hemmhekk għaż-żmien iffissat f'dak l-ordni.”.

**15.** Minflok is-subartikolu (4) ta' l-artikolu 702 tal-liġi prinċipali għandu jidhol dan li ġej:

Emenda ta' l-artikolu 702 tal-liġi prinċipali.

“(4) Jekk il-parti, msejja għas-subizzjoni, ma tidhirx fil-jum mogħti għas-smiġħ tal-kawża —

(a) il-kapitoli kif ikunu ġew imniżżlin mill-Qorti jitqiesu mistqarri, kemm-il darba ma tingiebx raġuni tajba li minhabba fiha l-parti tkun naqset li tidher, f'kull kawża barra minn kawża għal żgumbrament, jew tkeċċija minn beni immobbli, fejn il-pretenzjoni miġjuba quddiem il-Qorti ma tkunx ta' aktar minn hamsin lira Maltin;

(b) il-Qorti thalli l-kawża għal darb'ohra, jekk il-parti li titlob is-subizzjoni ma tirrinunzjax għall-istess, f'kull kawża għal żgumbrament jew tkeċċija minn beni immobbli, jew fejn il-pretenzjoni miġjuba quddiem il-Qorti hija ta' iktar minn hamsin lira Maltin, u l-kapitoli kif ikunu ġew imniżżlin mill-Qorti jitqiesu mistqarri kemm-il darba l-parti li tagħha tintalab is-subizzjoni, mingħajr ma tingieb raġuni tajba għal dak in-nuqqas, terġa' tonqos li tidher fil-jum li għalih il-Qorti tkun halliet il-kawża kif intqal.”.

**16.** Il-paragrafu (f) tas-subartikolu (1) ta' l-artikolu 833 tal-liġi prinċipali għandu jiġi mħassar.

Emenda ta' l-artikolu 833 tal-liġi prinċipali.

**17.** L-artikolu 840 tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 840 tal-liġi prinċipali.

(a) fis-subartikolu (1) tiegħu, il-kliem “, u ta' arrest fuq suspett ta' ħarba” għandhom jithassru; u

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

“(3) Ma jista' jiġi mahruġ ebda mandat ta' qbid, ta' sekwestru jew ta' impediment tas-safar, biex jitqiegħdu fiż-żgur jeddijiet jew pretenzjonijiet kontra l-persuni msemmijin fil-paragrafu (a) tas-subartikolu (4) ta' dan l-artikolu, l-anqas ebda mandat ta' impediment tas-safar biex jitqiegħdu fiż-żgur jeddijiet jew pretenzjonijiet kontra persuni msemmijin fil-paragrafi (b) u (ċ) ta' l-istess subartikolu.

(4) Il-persuni li għalihom jirreferi s-subartikolu (3) ta' dan l-artikolu huma:

(a) in-nies tal-forzi armati ta' xi pajjiż jew dawk ta' xi bastiment li jkun mikri għal kollox fis-servizz tal-Gvern ta' Malta meta dawn in-nies ikunu jinsabu f'dawn il-Gzejjer jew fl-ibħra ta' dawn il-Gzejjer mal-forza jew bastiment li miegħu jkunu jagħmlu;

(b) il-kaptani, il-baħrin, jew nies ohra tal-baħar ingaġġati regularment, meta l-bastiment li jkunu fuqu ingaġġati jkun irċieva l-karti tas-safar; u

(ċ) l-inġinieri ta' kull grad, li jkunu fis-servizz ta' bastiment ta' l-istim.

(5) (a) Kemm-il darba jiġi maħruġ u eżegwit, kontra l-liġi mandat kontra waħda mill-persuni hawn fuq imsemmija, jista' jiġi mitlub li jitneħħa l-istess mandat u kull haġa li tkun saret b'eżekuzzjoni tiegħu billi b'rikors li jagħmel għaldaqshekk, juri r-raġuni li għaliha ma jaqax taħt dak il-mandat, bil-mezz ta' ċertifikat, dokument jew prova oħra ta' sodisfazzjon ta' l-Imħallef jew Magiſtrat li jkun ħareġ il-mandat;

(b) Il-ħelsien ta' persuna mill-mandat jista' jintalab ukoll bil-mod kif jingħad hawn fuq mill-uffiċjal kmandant tal-bastiment li fuqu l-persuna tkun ingaġġata, jew mill-uffiċjal kmandant tal-forzi, riġment jew tal-kumpanija li magħhom tkun tagħmel dik il-persuna, jew minn kull awtorità oħra jew uffiċjal superjuri militari, navali jew tal-forzi ta' l-ajru.”.

Emenda ta' l-artikolu 851 tal-liġi prinċipali.

**18.** Fl-artikolu 851 tal-liġi prinċipali minflok il-kliem “għaxar liri” għandhom jidhru l-kliem “ħamsin lira Maltin”.

Emenda ta' l-artikolu 864 tal-liġi prinċipali.

**19.** Fl-artikolu 864 tal-liġi prinċipali minflok il-kliem “£20” li hemm fin-nota marginali li hemm għalih u l-kliem “mitt lira” li hemm fis-subartikolu (1) tiegħu għandhom jidhru l-kliem “Lm250” u “mitejn u ħamsin lira Maltin” rispettivament.

Emenda ta' l-artikolu 869 tal-liġi prinċipali.

**20.** Fis-subartikolu (3) ta' l-artikolu 869 tal-liġi prinċipali minflok il-kliem “mitt lira” għandhom jidhru l-kliem “mitejn u ħamsin lira Maltin”.

Emenda ta' l-artikolu 871 tal-liġi prinċipali.

**21.** Minflok il-kliem “mitt lira” li hemm fl-artikolu 871 tal-liġi prinċipali, għandhom jidhru l-kliem “mitejn u ħamsin lira Maltin”.

Zieda ta' artikolu ġdid 871A mal-liġi prinċipali.

**22.** Minnufih wara l-artikolu 871 tal-liġi prinċipali għandu jzied l-artikolu ġdid li ġej:

“Il-parti li kontra tagħha jkun inħareġ il-mandat tista' tagħmel rikors għar-revoka tiegħu.

871A. (1) Bla ħsara għal kull jedd ieħor taħt din il-liġi jew taħt xi liġi oħra, il-persuna li kontra tagħha jew kontra l-bastiment tagħha mandat ta' impediment tas-safar ikun inħareġ, tista', tagħmel rikors lill-Qorti li tohroġ il-mandat fejn titlob li l-mandat jiġi revokat għal xi waħda mir-raġunijiet li ġejjin:

(a) li xi waħda mill-kundizzjonijiet meħtieġa bil-liġi għall-ħruġ tal-mandat fil-fatt m'għadhiex teżisti;

(b) li garanzija xierqa għas-sodisfazzjon tal-pretenzjoni tal-persuna li fuq talba tagħha jkun inħareġ il-mandat tista' tinkiseb jew bil-ħruġ ta' xi att kawtelatorju ieħor jew xort'oħra għas-sodisfazzjon tal-Qorti; jew

(ċ) li fil-każ ta' mandat ta' impediment tas-safar kontra persuna jekk dik il-persuna jinhtigilha titlaq minn dawn il-Gżejjer għal kura jew attenzjoni medika, u fejn fil-fehma tal-Qorti hemm ċirkostanzi serji u speċjali li jiġ-  
gustifikaw li dik il-kura jew attenzjoni tittieħed barra minn dawn il-Gżejjer.

(2) Il-Qorti għandha tappunta r-rikors għas-smiġh fi żmien erbat ijiem mill-preżentata tar-rikors imsemmi fis-subartikolu (1) ta' dan l-artikolu.

(3) Kopja tar-rikors għandha tiġi notifikata lill-persuna li fuq talba tagħha jkun inhareġ il-mandat li għandha mhux iktar tard mill-jum stabbilit għas-smiġh tar-rikors tiddikjara r-raġunijiet tagħha, jekk ikollha, għax dik it-talba m'għandhiex tiġi milqugħa. Fin-nuqqas ta' dik l-oppożizzjoni l-Qorti għandha tilqa' t-talba.

(4) Wara li tisma' l-partijiet, il-Qorti għandha b'digriet separat li jista' jingħata *in camera*, jew tiċċad ir-rikors jew tilqa' t-talba fir-rikors taht dawk il-kondizzjonijiet li jidhrilha xierqa u f'każ li jaqa' taht il-paragrafu (ċ) tas-subartikolu (1) ta' dan l-artikolu l-Qorti għandha tordna li l-Uffiċjal tal-Passaporti jirristringi l-passaport tar-rikorrent għal dawk il-pajjiżi fejn dik il-kura jew attenzjoni medika għandha tittieħed.

(5) Digriet li jilqa' rikors imsemmi f'dan l-artikolu, ikun finali u irrevokabbli, u ebda mandat ta' impediment tas-safar ma jista' jinhareġ biex jiggarrantixxi l-istess pretenzjoni kontra l-persuna li kontra tagħha l-mandat hekk revokat ikun inhareġ, mill-persuna li fuq talba tagħha dak il-mandat ikun inhareġ, kemm-il darba fir-rikors għall-ħruġ ta' dak il-mandat ġdid ir-rikorrent ma jiddikjarax li jkunu nqalgħu ċirkostanzi minn meta gie revokat il-mandat ta' qabel, li jiġ-  
gustifikaw il-ħruġ ta' mandat ġdid, u d-dispożizzjonijiet ta' dan l-artikolu għandhom, ma' dan, japplikaw għall-mandat maħruġ fuq il-baži ta' dak ir-rikors.”.

23. Is-Sub-Titlu VI tat-Titlu VI tat-Tielet Ktieb tal-liġi prinċipali għandu jithassar.

Thassir tas-Sub-Titlu VI tat-Titlu VI tat-Tielet Ktieb tal-liġi prinċipali.

24. Fit-test Malti ta' l-artikolu 928 tal-liġi prinċipali, minflok il-kliem “jew jekk ebda persuna jew persuni kif imsemmija ma jkollhom dik il-personalità ġuridika distinta” għandhom jidhru l-kliem “jew jekk ebda persuna jew persuni kif imsemmija ma jkunu mogħtija dik ir-rappreżentanza ġuridika”.

Emenda ta' l-artikolu 928 tal-liġi prinċipali.

25. (1) Bla hsara għas-subartikolu (2) ta' dan l-artikolu, l-emendi magħmula b'dan l-Att barra dawk milquta bl-artikoli 9, 16 u 18 m'għandhomx japplikaw dwar xi każ li jkun pendent quddiem il-Qrati qabel il-bidu fis-seħħ ta' dan l-Att, jew għal xi mandat jew proroga

Dispożizzjoni tranżitorja.

tiegħu, li jkunu digà ġew ippreżentati fir-Registru tal-Qorti qabel il-bidu fis-sehħ ta' dan l-Att.

(2) Fil-każ ta' impediment tas-safar li jkun għadu jsehħ mal-bidu fis-sehħ ta' dan l-Att, ebda proroga kif provdut taht is-subartikolu (2) ta' l-artikolu 874 tal-liġi prinċipali ma tista' tinghata meta l-ammont tal-kreditu jew pretensjoni jkun inqas minn mitejn u hamsin lira Maltin.

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 267 ta' l-10 ta' Lulju, 1985.

DANIEL MICALLEF  
*Speaker*

C. MIFSUD  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

AGATHA BARBARA  
President

24th July, 1985

### ACT No. XII of 1985

*AN ACT further to amend the Code of Organisation 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:—

1. (1) This Act may be cited as the Code of Organisation and Civil Procedure (Amendment) Act, 1985, and shall be read and construed as one with the Code of Organisation and Civil Procedure, hereinafter referred to as “the principal law”.

Short title and commencement.

(2) The provisions of 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 or for different purposes of this Act.

2. In section 46 of the principal law for the words “fifty pounds” wherever they occur there shall be substituted the words “two hundred and fifty Maltese liri”.

Amendment of section 46 of the principal law.

3. In section 47 of the principal law for the words “fifty pounds” there shall be substituted the words “two hundred and fifty Maltese liri”.

Amendment of section 47 of the principal law.

4. In section 50 of the principal law for the words “three hundred pounds” there shall be substituted the words “five hundred Maltese liri”.

Amendment of section 50 of the principal law.

Amendment of section 51 of the principal law.

5. In section 51 of the principal law for the words "three hundred pounds" wherever they occur there shall be substituted the words "five hundred Maltese liri".

Amendment of section 226 of the principal law.

6. In subsection (2) of section 226 of the principal law for the words "ten pounds" there shall be substituted the words "fifty Maltese liri".

Substitution of section 250 of the principal law.

7. For section 250 of the principal law there shall be substituted the following:

"Mode of enforcement of executive titles. 250. Saving any other provision of the law in respect of warrants *in factum*, execution by any of the means mentioned in section 274 may be issued only in virtue of an executive title."

Deletion of section 252 of the principal law.

8. Section 252 of the principal law shall be deleted.

Amendment of section 274 of the principal law.

9. Paragraph (c) of section 274 of the principal law shall be deleted.

Amendment of section 276 of the principal law.

10. In subsection (1) of section 276 of the principal law for the words "ten pounds" there shall be substituted the words "fifty Maltese liri".

Amendment of section 355 of the principal law.

11. In subsection (2) of section 355 of the principal law for the words "fifty pounds" there shall be substituted the words "two hundred and fifty Maltese liri".

Repeal of Sub-Title III of Title VII of Part I of Book Second of the principal law.

12. Sub-Title III of Title VII of Part I of Book Second of the principal law shall be repealed.

Substitution of section 387 of the principal law.

13. For section 387 of the principal law there shall be substituted the following:

"Maintenance at the expense of person demanding issue of warrant.

387. (1) No warrant *in factum* shall be executed unless the person demanding the issue of the warrant shall have first delivered to the Marshal a sum, to be fixed by the Court, to be given, through the gaoler, to the person against whom the warrant has been issued in respect of his maintenance for seven days, including the day of apprehension; and the gaoler shall not take the person apprehended in custody until such deposit is made.

(2) A like sum shall be deposited in the hands of the gaoler every seven days in advance and not later than twelve noon of the last day of each weekly-period. Such sum shall be immediately delivered to the person apprehended.

(3) The Marshal and the gaoler respectively shall give a receipt for the said deposit."

14. Immediately after paragraph (d) of section 645 of the principal law there shall be added the following proviso thereto: Amendment of section 645 of the principal law.

“Provided that at the request of the Registrar, the Court may at any time prior to the date of such adjournment, order the referees to return the records of the cause that are in their possession, to the Registry of such Court there to remain for such time as shall be specified in that order.”.

15. For subsection (4) of section 702 of the principal law there shall be substituted the following: Amendment of section 702 of the principal law.

“(4) If the party to whose oath reference is required fails to appear on the day appointed for the trial —

(a) the questions as taken down by the Court shall be deemed to be admitted, unless good cause is shown for his non-appearance, in any case other than cases for ejection or eviction from immovable property, in which the claim before the Court does not exceed the amount of fifty Maltese liri;

(b) the Court shall adjourn the trial, unless the party making the reference renounces thereto, in any case for ejection or eviction from immovable property or in any case in which the claim before the Court exceeds the amount of fifty Maltese liri, and the questions as taken down by the Court shall be deemed to be admitted if the party to whose oath reference is required, without good cause being shown for his non-appearance, fails again to appear on the day to which the Court has adjourned the case as aforesaid.”.

16. Paragraph (f) of subsection (1) of section 833 of the principal law shall be repealed. Amendment of section 833 of the principal law.

17. Section 840 of the principal law shall be amended as follows: Amendment of section 840 of the principal law.

(a) in subsection (1) thereof the words “or any *meditatio fugae* warrant” shall be deleted; and

(b) for subsections (3) and (4) thereof there shall be substituted the following:

“(3) It shall not be lawful to issue any warrant of seizure, garnishee order, or warrant of impediment of departure, in security of any right or claim against any of the persons mentioned in paragraph (a) of subsection (4) of this section, or any warrant of impediment of departure in security of any right or claim against any of the persons mentioned in paragraphs (b) or (c) of the said subsection.

(4) The persons to whom subsection (3) of this section refers are:

(a) any person belonging to the armed forces of any country or any person belonging to any vessel wholly chartered in the service of the Government of Malta if

such person is in these Islands or in the waters of these Islands with the force or vessel to which he belongs;

(b) any master, seaman or other person regularly enrolled, if the ship to which he belongs has obtained her clearance; and

(c) any engineer of any rank, employed on any steam vessel.

(5) (a) If any such warrant or order has been unduly issued and carried into effect against any of the persons above-mentioned, it shall be lawful to obtain the rescission of the warrant or order or of anything done thereunder by making an application to that effect stating out the cause for his exemption, and producing in support thereof any certificate, document, or other evidence to the satisfaction of the Judge or Magistrate by whom the warrant or order was issued.

(b) The release of the person from the warrant or order may also be applied for as aforesaid by the officer commanding the vessel on which such person is enrolled, or by the officer commanding the force, the regiment or the company to which such person belongs, or by any other military, naval or airforce authority.”.

Amendment of section 851 of the principal law.

**18.** In section 851 of the principal law for the words “ten pounds” there shall be substituted the words “fifty Maltese liri”.

Amendment of section 864 of the principal law.

**19.** In section 864 of the principal law for the words “£20” appearing in the marginal note thereto and the words “one hundred pounds” in subsection (1) thereof there shall be substituted the words “Lm250” and “two hundred and fifty Maltese liri” respectively.

Amendment of section 869 of the principal law.

**20.** In subsection (3) of section 869 of the principal law for the words “one hundred pounds” there shall be substituted the words “two hundred and fifty Maltese liri”.

Amendment of section 871 of the principal law.

**21.** For the words “one hundred pounds” in section 871 of the principal law, there shall be substituted the words “two hundred and fifty Maltese liri”.

Addition of new section 871A to the principal law.

**22.** Immediately after section 871 of the principal law there shall be added the following new section:

“Party against whom warrant is issued may apply for its revocation.

**871A.** (1) Without prejudice to any other right under this or any other law, the person against whom or against whose ship a warrant of impediment of departure has been issued, may, make an application to the Court issuing the warrant praying that the warrant be revoked on any of the following grounds:

(a) that any of the conditions requested by law for the issue of the warrant does not in fact subsist;

(b) that other adequate security for the satisfaction of the claim of the person at whose request the warrant was issued is available either by the issue of any other precautionary act or otherwise to the satisfaction of the Court; or

(c) that in the case of a warrant for the impediment of departure of a person that such person requires to leave these islands for medical treatment or attention and where in the opinion of the Court there are serious and special circumstances that justify that such treatment or attention be obtained outside these Islands.

(2) The Court shall appoint the application for hearing within four days of the filing of the application referred to in subsection (1) of this section.

(3) A copy of the application shall be served on the person at whose request the warrant was issued who shall not later than the day fixed for the hearing of the application 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 and in a case falling under paragraph (c) of subsection (1) of this section the Court shall direct that the Passport Officer shall restrict the passport of the applicant to those countries where such medical treatment or attention is to be obtained.

(5) A decree acceding to an application referred to in this section, shall be final and irrevocable, and no warrant of impediment of departure may be issued in security of the same claim against the person against whom the warrant so revoked was issued, by the person at whose request such warrant had been issued, unless in the application for the issue of such new warrant the applicant declares that circumstances have arisen since the revocation of the previous warrant, which justify the issue of a new warrant, and the provisions of this section shall thereupon apply to the warrant issued on the basis of such application.”.

**23.** Sub-Title VI of Title VI of Book Third of the principal law shall be repealed.

Repeal of  
Sub-Title VI of  
Title VI of  
Book Third of  
the principal  
law.

**24.** In the Maltese text of section 928 of the principal law, for the words “*jew jekk ebda persuna jew persuni kif imsemmija ma jkollhom dik il-personalità ġuridika distinta*” there shall be substituted the words “*jew jekk ebda persuna jew persuni kif imsemmija ma jkunu mogħtija dik ir-rappreżentanza ġuridika.*”.

Amendment of  
section 928  
of the  
principal law.

Transitory  
provision.

25. (1) Without prejudice to subsection (2) of this section, the amendments made by this Act other than those effected by sections 9, 16 and 18 shall not apply in respect of any case which was pending before the Courts before the coming into force of this Act, or to any warrant or extension thereof, which is already filed in the Registry of the Court before the coming into force of this Act.

(2) In the case of a warrant of impediment of departure which is currently in force on the coming into force of this Act, no extension as provided for under subsection (2) of section 874 of the principal law shall be granted where the amount of the debt or claim is less than two hundred and fifty Maltese liri.

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Passed by the House of Representatives at Sitting No. 267 of the 10th July, 1985.

DANIEL MICALLEF  
*Speaker*

C. MIFSUD  
*Clerk to the House of Representatives*