

Naghti l-kunsens tieghi.

(L.S.)

EDWARD FENECH ADAMI
President

23 ta' Dicembru, 2005

ATT Nru. XXII ta' l-2005

*ATT biex jimplimenta varji miżuri li għandhom x'jaqsmu ma' azzjonijiet
gudizzjarji u miżuri amministrattivi ohrajn li għandhom x'jaqsmu
miegħu.*

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) It-titolu fil-qosor ta' dan l-Att huwa Att ta' l-2005 dwar Titolu fil-qosor
u bidu fis-sehh.
Azzjonijiet Ġudizzjarji (Miżuri Varji).

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

TAQSIMA I

2. Din it-Taqsima temenda u għandha tinqara u tiftiehem bħala Emenda tal-Kodiċi
Kriminali.
Kap. 9.
haġa waħda mal-Kodiċi Kriminali, hawnhekk iżjed 'il quddiem f'din
it-Taqsima msejjah "il-Kodiċi".

3. Minnufih wara l-artikolu 283 tal-Kodiċi, għandu jidhol dan l-Zieda ta' artikolu
gdid 283A għall-
Kodiċi.
artikolu gdid li ġej:

"Kwerela
tal-parti
offiża.

283A. Għar-reat ta' serq ta' elettriku ma jittiehed ebda
proċediment jekk mhux bil-kwerela tal-parti offiża wkoll meta
r-reat ikun ta' kompetenza tal-Qorti tal-Maġistrati skond dak

li jipprovdi l-artikolu 370(1) u l-offiż ma jkunx irrinunzja espressament għall-azzjoni fi żmien erbat ijiem minn dakinhar li jkun sar ir-reat. Id-disposizzjonijiet ta' dan l-artikolu għandhom japplikaw minkejja kull haġa oħra li jingħad fil-proviso ta' l-artikolu 373.”.

Emenda ta' l-artikolu 326 tal-Kodiċi.

4. Fis-subartikolu (1) ta' l-artikolu 326 tal-Kodiċi, minnufih wara l-kliem “mhux iżjed minn sentejn.” għandu jiżdied dan il-proviso li ġej:

“Iżda għar-reati taħt il-partiti (ċ), (e) u (f) ta' dan is-subartikolu ma jittiehed ebda proċediment jekk mhux bil-kwerela tal-parti offiża.”

Emenda ta' l-artikolu 413 tal-Kodiċi.

5. Minflok is-subartikolu (2) ta' l-artikolu 413 tal-Kodiċi, għandu jidhol dan li ġej:

“(2) Meta sentenza tingħata dwar diversi reati u appell taħt il-paragrafu (ċ) tas-subartikolu ta' qabel dan, jew taħt xi liġi oħra, ikun jista' jsir dwar xi wiehed minn dawk ir-reati, appell ikun jista' jsir dwar kull wiehed minn dawk ir-reati l-oħra li jkunu fil-ġurisdizzjoni tal-Qorti tal-Maġistrati bhala qorti ta' ġudikatura taħt l-artikolu 370(1) u li jkollu x'jaqşam ma' dak ir-reat.

Reati jkollhom x'jaqsmu ma' xulxin meta –

(i) il-fatti tar-reati jkunu sostanzjalment l-istess; jew

(ii) reat ikun serva bhala mezz għall-ghemil ta' reat iehor; jew

(iii) il-prova ta' reat jew ċirkostanza tiegħu jkun jolqot mal-prova ta' reat iehor jew ta' ċirkostanza tiegħu.”.

Emenda ta' l-artikolu 499 tal-Kodiċi.

6. L-artikolu 499 tal-Kodiċi, għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “fuq kull waħda mill-eċċezzjonijiet imsemmija fl-artikolu 449(1)(a), (b) u (ġ)” għandhom jidhlu l-kliem “fuq kull waħda mill-eċċezzjonijiet imsemmija fl-artikolu 449(1)(a), (b), (ċ), (d), u (ġ)”; u

(b) fis-subartikolu (2) tiegħu, minflok il-kliem “fuq kull waħda mill-eċċezzjonijiet imsemmija fl-artikolu 449(1)(ċ), (d), (e) u (f)” għandhom jidhlu l-kliem “fuq kull waħda mill-eċċezzjonijiet imsemmija fl-artikolu 449(1)(e) u (f)”.

7. Fil-paragrafu (ċ) tas-subartikolu (1) ta' l-artikolu 520 tal-Kodiċi, minflok il-kliem "l-artikolu 205" għandhom jidhlu l-kliem "l-artikoli 175 u 205". Emenda ta' l-artikolu 520 tal-Kodiċi.

8. Fl-artikolu 544 tal-Kodiċi, minnufih wara l-kliem "(ċ) attentat vjolent għall-pudur" għandu jiżdied dan li ġej: Emenda ta' l-artikolu 544 tal-Kodiċi.

"(d) serq ta' elettriku u reati taht il-partiti (ċ), (e) u (f) tas-subartikolu (1) ta' l-artikolu 326:".

9. Fis-subartikolu (1) ta' l-artikolu 546 tal-Kodiċi, minnufih wara l-kliem "f'dawk il-proċedimenti." għandu jiżdied dan il-proviso li ġej: Emenda ta' l-artikolu 546 tal-Kodiċi.

"Izda wkoll minkejja kull disposizzjoni oħra, meta reat li jkun qed jiġi investigat ikun ta' serq ta' l-elettriku jew reat taht il-partiti (ċ), (e) u (f) tas-subartikolu (1) ta' l-artikolu 326 ebda aċċess ma għandu jsir hlief fuq talba espressa tal-Korporazzjoni Enemalta.".

TAQSIMA II

10. Din it-Taqsima temenda u għandha tinqara u tiftiehem bħala haġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-Kodiċi". Emenda tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap. 12.

11. Fl-artikolu 117 tal-Kodiċi, minflok il-kelma "ċitazzjoni" għandhom jidhlu l-kliem "rikors ġuramentat". Emenda ta' l-artikolu 117 tal-Kodiċi.

12. L-artikolu 125 tal-Kodiċi għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 125 tal-Kodiċi.

(a) fis-subartikolu (1) tiegħu, il-kliem "b'ċitazzjoni jew b'rikors għandhom jithassru u jidhlu l-kliem "b'rikors, sija ġuramentat jew le,"; u

(b) fis-subartikolu (2) tiegħu, il-kliem "b'ċitazzjoni" għandhom jithassru u jidhlu l-kliem "b'rikors ġuramentat".

13. L-artikolu 152 tal-Kodiċi għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 152 tal-Kodiċi.

(a) fis-subartikolu (2) minflok in-nota marginali li hemm għandha tidhol din in-nota marginali li ġejja:

"L-avviż jinghata bil-miktub."; u

(b) fis-subartikolu (2) minflok il-kelma “ċitazzjoni” ghandhom jidhlu l-kliem “bil-miktub”.

Emenda ta' l-intestatura tat-**Titolu II** ta' **Taqsim**a I tat-Tieni **Ktieb** tal-Kodiċi.

14. Fl-intestatura tat-**Titolu II** ta' **Taqsim**a I tat-Tieni **Ktieb** tal-Kodiċi, minnufih qabel l-artikolu 154, minflok il-kliem “Fuq il-Proċediment b’ċitazzjoni” ghandhom jidhlu l-kliem “Fuq il-Proċediment b’Rikors Ġuramentat”.

Emenda ta' l-artikolu 154 tal-Kodiċi.

15. L-artikolu 154 tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) minflok in-nota marginali li hemm ghandha tidhol din in-nota marginali li ġejja:

“Tmexxija b’rikors ġuramentat.”; u

(b) fis-subartikolu (1), minflok il-kliem “Il-proċediment huwa b’ċitazzjoni” ghandhom jidhlu l-kliem “Il-proċediment b’rikors ġuramentat jitqies li huwa kawża” u minflok il-kliem “miġjuba fiċ-ċitazzjoni” ghandhom jidhlu l-kliem “miġjuba fir-rikors ġuramentat”.

Thassir ta' l-artikolu 155 tal-Kodiċi.

16. L-artikolu 155 tal-Kodiċi ghandu jiġi mhassar.

Emenda ta' l-artikolu 156 tal-Kodiċi.

17. L-artikolu 156 tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) minflok in-nota marginali li hemm ghandha tidhol din in-nota marginali li ġejja:

“Min ghandu jlesti u x’ghandu jkun fih ir-rikors ġuramentat.”;

(b) minflok is-subartikolu (1) ghandu jidhol is-subartikolu li ġej:

“(1) Ir-rikors ġuramentat ghandu jitlesta mill-attur u ghandu jkun fih -

(a) dikjarazzjoni li tfisser b’mod ċar u sewwa l-oġġett tal-kawża f’paragrafi numerati separatament, sabiex isahhah it-talba tiegħu u jiddikjara wkoll liema fatti huwa jaf bihom personalment;

(b) ir-raġuni tat-talba;

(ċ) it-talba jew it-talbiet li ghandhom ikunu enumerati; u

(d) f'kull rikors ġuramentat għandu jkun hemm stampat b'ittri ċari u preċiżi taht l-intestatura tal-Qorti dan il-kliem li ġej:

“Min jirċievi dan ir-rikors mahluf kontra tiegħu għandu jippreżenta r-risposta mahlufa tiegħu fi żmien ghoxrin (20) jum mid-data tan-notifika, cioè minn meta jirċeviha. Jekk ma tiġix ippreżentata r-risposta mahlufa bil-miktub kif trid il-liġi saż-żmien imsemmi, il-Qorti tghaddi biex tagħti d-deċiżjoni skond il-liġi.

Għalhekk huwa fl-interess ta' min jirċievi dan ir-rikors mahluf li jkelllem avukat bla dewmien sabiex il-Qorti tisma' x'għandu xi jgħid fil-kawża.”;

(ċ) fis-subartikolu (2) minflok il-kliem “maċ-ċitazzjoni” għandhom jidhlu l-kliem “mar-rikors ġuramentat”;

(d) minflok is-subartikolu (3) għandu jidhol is-subartikolu ġdid li ġej:

“(3) Ir-rikors ġuramentat għandu jiġi konfermat bil-ġurament quddiem ir-reġistratur jew prokuratur legali mahtur bhala Kummissjunarju b'setgħa li jagħti ġurament taht l-^{Kap. 79.} Ordinanza dwar il-Kummissjunarji b'setgħa li jagħtu Ġurament.”;

(e) minflok is-subartikolu (5) għandu jidhol is-subartikolu ġdid li ġej:

“(5) Meta jitressqu diversi azzjonijiet flimkien kif provdut fis-subartikoli (3), (4) u (5) ta' l-artikolu 161, mill-inqas wiehed mill-atturi għandu jikkonferma bil-ġurament quddiem ir-reġistratur jew il-prokuratur legali mahtur bhala Kummissjunarju b'setgħa li jagħti ġurament taht l-Ordinanza dwar il-Kummissjunarji b'setgħa li jagħtu Ġurament, u għandhom japplikaw id-disposizzjonijiet tas-subartikolu (1)(a) ta' dan l-artikolu.”;

(f) minflok is-subartikolu (6) għandu jidhol is-subartikolu ġdid li ġej:

“(6) Ir-rikors ġuramentat għandu jiġi notifikat lill-konvenut.”; u

(ġ) minflok is-subartikolu (7) ghandu jidhol is-subartikolu ġdid li ġej:

“(7) Ir-reġistratur ma ghandu jirċievi ebda rikors ġuramentat li ma jissodisfax l-elementi tas-subartikolu (1) ta’ dan l-artikolu u l-qorti ma ghandha thalli lil ebda xhud jingieb sakemm dan ma jkollux ismu mnizzel flimkien mar-rikors.”.

Emenda ta’ l-
artikolu 157 tal-
Kodiċi.

18. L-artikolu 157 tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) minflok in-nota marginali li hemm ghandha tidhol din in-nota marginali li ġejja:

“Notifika tar-rikors ġuramentat.”;

(b) minflok il-kliem “jiġi notifikati lill-konvenut kopja taċ-ċitazzjoni u tad-dikjarazzjoni u ta’ kull affidavit ta’ l-attur u ta’ xi dokumenti annessi maċ-ċitazzjoni” ghandhom jidhlu l-kliem “jiġi notifikat lill-konvenut ir-rikors ġuramentat, kull affidavit ta’ l-attur u tad-dokumenti annessi mar-rikors”.

Emenda ta’ l-
artikolu 158 tal-
Kodiċi.

19. L-artikolu 158 tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) minflok in-nota marginali li hemm ghandha tidhol din in-nota marginali li ġejja:

“Risposta ġuramentata u nota ta’ ammissjoni, preżentata eċċ.”;

(b) fis-subartikolu (1), minflok il-kliem “n-nota ta’ eċċezzjonijiet” ghandhom jidhlu l-kliem “risposta ġuramentata”;

(ċ) fis-subartikolu (3), minflok il-kliem “nota ta’ eċċezzjonijiet” ghandhom jidhlu l-kliem “risposta ġuramentata”;

(d) minnufih wara l-paragrafu (b) tas-subartikolu (3) ghandu jiddied dan il-paragrafu ġdid li ġej:

“(ċ) il-konvenut, jew wiehed mill-konvenuti jekk ikun hemm aktar minn wiehed, ghandu wkoll jiddikjara bil-ġurament fir-risposta ġuramentata b’paragrafi numerati, il-fatti kollha dwar it-talba, fejn jiċhad, jammetti jew jispjega ċ-ċirkostanzi tal-fatti murija fid-dikjarazzjoni ta’ l-attur, filwaqt li jiddikjara liema fatti huwa jaf bihom personalment.”;

(e) minflok is-subartikolu (4) ghandu jidhol dan li ġej:

“(4) Ir-risposta ġuramentata ghandha tiġi konfermata bil-ġurament quddiem ir-reġistratur jew prokuratur legali mahtur bhala Kummissjunarju b’setgħa li jagħti ġurament taht l-Ordinanza dwar il-Kummissjunarji b’setgħa li jagħtu Ġurament. Il-konvenut ghandu wkoll jagħti l-ismijiet tax-xhieda li jkun bi hsiebu jġib u jiddikjara dwar kull wiehed minnhom xi prova jkun bi hsiebu jagħmel bix-xiehda tagħhom. Flimkien mar-risposta ġuramentata għandhom jiġu ppreżentati dawk id-dokumenti kollha li jistgħu jinhtiegu biex isahhu l-eċċezzjonijiet.”;

(f) fis-subartikolu (5) minflok il-kliem “nota ta’ eċċezzjonijiet” għandhom jidhlu l-kliem “risposta ġuramentata” u minflok il-kliem “dik id-dikjarazzjoni u affidavit bhala dak imsemmi fis-subartikolu (4) ta’ dan l-artikolu,” għandhom jidhlu l-kliem “dak li huwa elenkat fis-subartikolu (3) ta’ dan l-artikolu,”;

(g) fis-subartikolu (8) minflok il-kliem “nota ta’ eċċezzjonijiet u d-dikjarazzjoni” għandhom jidhlu l-kliem “ir-risposta ġuramentata” u minflok il-kliem “identika tagħhom” għandhom jidhlu l-kliem “identika tagħha”;

(h) fis-subartikolu (10) minflok il-kliem “n-nota ta’ eċċezzjonijiet u d-dikjarazzjoni” kull fejn jinsabu għandhom jidhlu l-kliem “r-risposta ġuramentata”;

(i) fis-subartikolu (11) minflok il-kliem “In-nota ta’ eċċezzjonijiet” għandhom jidhlu l-kliem “Ir-risposta ġuramentata”;

(j) fis-subartikolu (12) minflok il-kliem “tan-nota ta’ eċċezzjonijiet” għandhom jidhlu l-kliem “tar-risposta ġuramentata”; u

(k) fis-subartikolu (13) minflok il-kliem “ppreżentata n-nota ta’ eċċezzjonijiet” għandhom jidhlu l-kliem “ppreżentata r-risposta ġuramentata” u minflok il-kliem “n-nota ta’ eċċezzjonijiet u d-dikjarazzjoni” għandhom jidhlu l-kliem “r-risposta ġuramentata”.

Emenda ta’ l-
artikolu 159 tal-
Kodiċi.

20. L-artikolu 159 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minflok in-nota marginali li hemm għandha tidhol din in-nota marginali li ġejja:

“Fir-rikors ġuramentat jew fir-risposta ġuramentata m’għandux ikun hemm kummenti jew hwejjeg żejda.”; u

(b) fis-subartikolu (1) minflok il-kliem “fiċ-ċitazzjoni u fin-nota ta’ l-eċċezzjonijiet” għandhom jidhlu l-kliem “fir-rikors ġuramentat u fir-risposta ġuramentata”, u minflok il-kliem “sustanzjali fiċ-ċitazzjoni” għandhom jidhlu l-kliem “sustanzjali fir-rikors ġuramentat”, u minflok il-kliem “fin-nota ta’ eċċezzjonijiet.” għandhom jidhlu l-kliem “fir-risposta ġuramentata.”.

Emenda ta’ l-artikolu 160 tal-Kodiċi.

21. Fl-artikolu 160 tal-Kodiċi, minflok il-kliem “ma’ ċ-ċitazzjoni jew ma’ nota ta’ l-eċċezzjonijiet” għandhom jidhlu l-kliem “mar-rikors ġuramentat jew mar-risposta ġuramentata”.

Emenda ta’ l-artikolu 161 tal-Kodiċi.

22. L-artikolu 161 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (1) għandu jiġi sostitwit dan is-subartikolu ġdid li ġej:

“(1) Fil-Qrati Superjuri u tal-Maġistrati f’Malta u Ghawdex, il-proċediment ordinarju jitmexxa b’rikors iżda f’dawk superjuri għandu jkun ġuramentat.”;

(b) fis-subartikolu (3), minflok il-kliem “ċitazzjoni wahda” għandhom jidhlu l-kliem “rikors ġuramentat” u wara l-kelma “rikors” għandhom jidhlu l-kliem “mhux ġuramentat”.

Emenda ta’ l-artikolu 164 tal-Kodiċi.

23. L-artikolu 164 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) il-kliem “b’ċitazzjoni” għandu jithassar u jiġi sostitwit bil-kliem “b’rikors ġuramentat”; u

(b) fis-subartikolu (2), il-kliem “b’ċitazzjoni” għandhom jithassru u jiġu sostitwiti bil-kliem “rikors ġuramentat”; il-kliem “Izda l-qorti tista’ tordna lill-attur illi jissostitwixxi ċ-ċitazzjoni b’rikors” għandhom jithassru; il-kelma “wkoll,” wara l-kelma “Izda” u qabel il-kelma “kull” għandha tithassar; u l-kliem “ma għandhomx” wara l-kliem “is-subartikolu” u qabel il-kelma “japplikaw” għandhom jiġu mhassra u sostitwiti bil-kelma “għandhom”.

Emenda ta’ l-artikolu 166A tal-Kodiċi.

24. Fis-subartikolu (2) ta’ l-artikolu 166A tal-Kodiċi, minnufih wara l-kliem “bil-ġurament tal-kreditur,” għandhom jidhlu l-kliem “jew quddiem ir-reġistratur jew prokuratur legali mahtur bhala Kummissarju

bis-setgħa li jagħti ġurament taht l-Ordinanza dwar il-Kummissjunarji b'setgħa li jagħtu l-Ġurament,”.

25. L-artikolu 167 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 167 tal-Kodiċi.

(a) fis-subartikolu (1) tiegħu, il-kliem “fl-att stess tar-rikors” għandhom jiġu sostitwiti bil-kliem “fl-att stess tar-rikors ġuramentat”;

(b) fis-subartikolu (2) tiegħu l-kliem “ir-rikors isir” għandhom jiġu mhassra u sostitwiti bil-kliem “ir-rikors ġuramentat isir”; u

(ċ) fis-subartikolu (3) tiegħu, il-kliem “dan ir-rikors” għandhom jiġu mhassra u sostitwiti bil-kliem “dan ir-rikors ġuramentat”.

26. Fl-artikolu 168 tal-Kodiċi, minflok il-kliem “Maċ-ċitazzjoni” għandhom jidhlu l-kliem “Mar-rikors ġuramentat” u minflok il-kliem “flimkien maċ-ċitazzjoni” għandhom jidhlu l-kliem “flimkien mar-rikors ġuramentat”.

Emenda ta' l-artikolu 168 tal-Kodiċi.

27. L-artikolu 169 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 169 tal-Kodiċi.

(a) minflok in-nota marginali li hemm għandha tidhol din in-nota marginali li ġejja:

“Zmien għan-notifika tar-rikors ġuramentat.”; u

(b) minflok il-kliem “iċ-ċitazzjoni għandha tkun notifikata” għandhom jidhlu l-kliem “ir-rikors ġuramentat għandu jkun notifikat”.

28. Fl-artikolu 169A tal-Kodiċi, minflok il-kliem “Iċ-ċitazzjoni” għandhom jidhlu l-kliem “Ir-rikors ġuramentat”.

Emenda ta' l-artikolu 169A tal-Kodiċi.

29. Fis-subartikolu (1) ta' l-artikolu 171 tal-Kodiċi, minflok il-kliem “ċitazzjoni li tkun” għandhom jidhlu l-kliem “rikors li jkun”, u minflok il-kliem “u ssir” għandhom jidhlu l-kliem “u jsir”.

Emenda ta' l-artikolu 171 tal-Kodiċi.

30. L-artikolu 172 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 172 tal-Kodiċi.

(a) fis-subartikolu (1) tiegħu, wara l-kliem “b'rikors” għandhom jidhlu l-kliem “ta' l-appell”; u

(b) fis-subartikolu (2) tiegħu, wara l-kliem “Ir-rikors” għandhom jidhlu l-kliem “ta’ l-appell”.

Emenda ta’ l-artikolu 174 tal-Kodiċi.

31. Fis-subartikolu (1)(d) ta’ l-artikolu 174 tal-Kodiċi, minflok il-kliem “taċ-ċitazzjoni” għandhom jidhlu l-kliem “tar-rikors ġuramentat”.

Emenda ta’ l-artikolu 178 tal-Kodiċi.

32. L-artikolu 178 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) għandu jiġi enumerat mill-ġdid bhala l-artikolu shiħ u wara l-kliem “L-iskritturi” għandhom jizjeddu l-kliem “u rikorsi ġuramentati jew le”; u

(b) is-subartikolu (2) għandu jithassar.

Emenda ta’ l-artikolu 181A tal-Kodiċi.

33. Fis-subartikolu (2) ta’ l-artikolu 181A tal-Kodiċi, minflok il-kliem “nota ta’ eċċezzjonijiet” għandha tidhol il-kelma “risposta ġuramentata”.

Emenda ta’ l-artikolu 181B tal-Kodiċi.

34. Fis-subartikolu (3) ta’ l-artikolu 181B tal-Kodiċi, il-kelma “ċitazzjoni,” għandha tiġi mħassra u sostitwita bil-kliem “ġuramentat jew le,” u l-kliem “jew nota ta’ l-eċċezzjonijiet” għandhom jithassru.

Emenda ta’ l-artikolu 187 tal-Kodiċi.

35. Fil-proviso mas-subartikolu (8) ta’ l-artikolu 187 tal-Kodiċi, wara l-kliem “u r-rikorsi” għandha tidhol il-kelma “ġuramentati”, u l-kliem “u ċitazzjonijiet” għandhom jithassru.

Emenda ta’ l-artikolu 208 tal-Kodiċi.

36. Fis-subartikolu (2) ta’ l-artikolu 208 tal-Kodiċi, minflok il-kliem “n-nota ta’ eċċezzjonijiet u d-dikjarazzjoni msemmija” għandhom jidhlu l-kliem “r-risposta ġuramentata kif inhuwa msemmi”.

Emenda ta’ l-artikolu 213 tal-Kodiċi.

37. Fl-artikolu 213 tal-Kodiċi, minflok il-kliem “fiċ-ċitazzjoni” għandhom jidhlu l-kliem “fir-rikors ġuramentat” u minflok il-kliem “l-istess ċitazzjoni” għandhom jidhlu l-kliem “l-istess rikors”.

Emenda ta’ l-artikolu 219A tal-Kodiċi.

38. Fis-subartikolu (2) ta’ l-artikolu 219A tal-Kodiċi, il-kliem “taċ-ċitazzjoni jew” għandhom jiġu mħassra.

Emenda ta’ l-artikolu 235 tal-Kodiċi.

39. L-artikolu 235 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minflok in-nota margjinali “jew b’ċitazzjoni f’kull żmien li jkun” li hemm għandha tidhol din in-nota margjinali li ġejja:

“jew b’rikors ġuramentat f’kull żmien li jkun.”; u

(b) fit-tieni proviso minflok il-kliem “bil-mezz ta’ ċitazzjoni” ghandhom jidhlu l-kliem “bil-mezz ta’ rikors ġuramentat”.

40. Fis-subartikolu (1) ta’ l-artikolu 249 tal-Kodiċi, minflok il-Emenda ta’ l-artikolu 249 tal-Kodiċi, artikolu 249 tal-Kodiċi, klijem “b’ċitazzjoni” ghandhom jidhlu l-kliem “b’rikors ġuramentat”.

41. L-artikolu 263 tal-Kodiċi ghandu jiġi emendat kif ġej: Emenda ta’ l-artikolu 263 tal-Kodiċi.

(a) fis-subartikolu (1), minflok il-kliem “b’ċitazzjoni” ghandhom jidhlu l-kliem “b’rikors ġuramentat”; u

(b) fis-subartikolu (2), minflok il-kliem “Iċ-ċitazzjoni ghandha tkun innotifikata” ghandhom jidhlu l-kliem “Ir-rikors ġuramentat ghandu jkun notifikat”.

42. Fis-subartikolu (1) ta’ l-artikolu 329 tal-Kodiċi, minflok il-Emenda ta’ l-artikolu 329 tal-Kodiċi, artikolu 329 tal-Kodiċi, klijem “b’ċitazzjoni” ghandhom jidhlu l-kliem “b’rikors”.

43. Fis-subartikolu (2) ta’ l-artikolu 381 tal-Kodiċi, minflok il-Emenda ta’ l-artikolu 381 tal-Kodiċi, artikolu 381 tal-Kodiċi, kelma “ċitazzjoni” ghandha tidhol il-kelma “rikors”.

44. L-artikolu 392 tal-Kodiċi ghandu jiġi emendat kif ġej: Emenda ta’ l-artikolu 392 tal-Kodiċi.

(a) minflok il-kelma “ċitazzjoni” ghandhom jidhlu l-kliem “rikors ġuramentat”;

(b) minflok il-kliem “l-parti kuntrarja.” ghandhom jidhlu l-kliem “l-parti kuntrarja.”; u

(ċ) minnufih fi tmiem l-artikolu ghandu jiżdied dan il-proviso li ġej:-

“Izda fil-każijiet ta’ rendikont taht l-Att dwar il-Kap. 39. Kondominja, dan ghandu jsir fiċ-Ċentru ta’ l-Arbitraġġ.”.

45. L-artikolu 398 ghandu jiġi emendat kif ġej: Emenda ta’ l-artikolu 398 tal-Kodiċi.

(a) fis-subartikolu (1), minflok il-kliem “fin-nota ta’ eċċezzjoni, meta l-proċedimenti jkunu b’ċitazzjoni, jew fir-risposta bil-miktub għar-rikors meta l-proċedimenti jkunu b’rikors.” ghandhom jidhlu l-kliem “fir-risposta bil-miktub għar-rikors ġuramentat jew le”; u

(b) fis-subartikolu (3), minflok il-kliem “b’ċitazzjoni” ghandhom jidhlu l-kliem “b’rikors ġuramentat”, minflok il-kliem

“f’nota ta’ eċċezzjoni” ghandhom jidhlu l-kliem “fir-risposta ġuramentata”, minflok il-kliem “ta’ ċitazzjoni” ghandhom jidhlu l-kliem “ta’ rikors ġuramentat” u minflok il-kliem “dik in-nota ta’ eċċezzjoni” ghandhom jidhlu l-kliem “dik ir-risposta ġuramentata”.

Emenda ta’ l-artikolu 403 tal-Kodiċi.

46. Fl-artikolu 403 tal-Kodiċi, minflok il-kliem “b’ċitazzjoni” ghandhom jidhlu l-kliem “b’rikors ġuramentat”.

Emenda ta’ l-artikolu 407 tal-Kodiċi.

47. Fl-artikolu 407 tal-Kodiċi, minflok il-kliem “fiċ-ċitazzjoni” ghandhom jidhlu l-kliem “fir-rikors ġuramentat”.

Emenda ta’ l-artikolu 410 tal-Kodiċi.

48. Fl-artikolu 410 tal-Kodiċi, minflok il-kliem “fiċ-ċitazzjoni” ghandhom jidhlu l-kliem “fir-rikors ġuramentat”.

Emenda ta’ l-artikolu 411 tal-Kodiċi.

49. L-artikolu 411 tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) minflok in-nota marginali li hemm ghandha tidhol din in-nota marginali li ġejja:

“Is-skiet ghal dejjem jghodd biss ghall-pretensjonijiet imsemmija fir-rikors ġuramentat.”; u

(b) minflok il-kliem “fiċ-ċitazzjoni” ghandhom jidhlu l-kliem “fir-rikors ġuramentat”.

Emenda ta’ l-artikolu 412 tal-Kodiċi.

50. Fl-artikolu 412 tal-Kodiċi, minflok il-kliem “fiċ-ċitazzjoni” ghandhom jidhlu l-kliem “fir-rikors ġuramentat”.

Emenda ta’ l-artikolu 414 tal-Kodiċi.

51. Fl-artikolu 414 tal-Kodiċi, minflok il-kliem “b’ċitazzjoni” ghandhom jidhlu l-kliem “b’rikors ġuramentat”.

Emenda ta’ l-artikolu 461 tal-Kodiċi.

52. Fl-artikolu 461 tal-Kodiċi, minflok il-kelma “ċitazzjoni” ghandha tidhol il-kelma “rikors”.

Emenda ta’ l-artikolu 462 tal-Kodiċi.

53. Fl-artikolu 462 tal-Kodiċi, minflok il-kliem “b’ċitazzjoni” ghandhom jidhlu l-kliem “b’rikors”.

Emenda ta’ l-artikolu 463 tal-Kodiċi.

54. L-artikolu 463 tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) minflok in-nota marginali li hemm ghandha tidhol din in-nota marginali li ġejja:

“Persuna li kontra taghha ghandu jsir ir-rikors.”; u

(b) minflok il-kliem “Iċ-ċitazzjoni msemija” ghandhom jidhlu l-kliem “Fir-rikors imsemmi” u minflok il-kliem “ghandha ssir” ghandhom jidhlu l-kliem “ghandu jsir”.

55. L-artikolu 464 tal-Kodiċi ghandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 464 tal-Kodiċi.

(a) minflok in-nota marginali li hemm ghandha tidhol din in-nota marginali li ġejja:

“Meta r-rikors ghandu jsir kontra kuratur*ex officio*.”;

(b) fis-subartikolu (1) minflok il-kliem “iċ-ċitazzjoni ghandha ssir” ghandhom jidhlu l-kliem “ir-rikors ghandu jsir”;

(ċ) fis-subartikolu (3) minflok in-nota marginali li hemm ghandha tidhol in-nota marginali li ġejja:

“Twahhil ta' kopja tar-rikors.”; u

(d) fis-subartikolu (3) minflok il-kliem “dik iċ-ċitazzjoni” ghandhom jidhlu l-kliem “dak ir-rikors”.

56. Fis-subartikolu (2) ta' l-artikolu 466 tal-Kodiċi, minnufih wara l-kliem “ta' dipartiment tal-Gvern” ghandhom jidhlu l-kliem “jew iċ-*Chairman* tal-Korporazzjoni Enemalta jew rappreżentant tieghu”.

Emenda ta' l-artikolu 466 tal-Kodiċi.

57. Fl-artikolu 467 tal-Kodiċi, minflok il-kliem “ċitazzjoni li tiġi preżentata” ghandhom jidhlu l-kliem “rikors li jiġi preżentat”.

Emenda ta' l-artikolu 467 tal-Kodiċi.

58. L-artikolu 533 tal-Kodiċi ghandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 533 tal-Kodiċi.

(a) fis-subartikolu (1) minflok il-kliem “b'ċitazzjoni” ghandhom jidhlu l-kliem “b'rikors”; u

(b) fis-subartikolu (2) minflok il-kliem “taċ-ċitazzjoni” ghandhom jidhlu l-kliem “tar-rikors”.

59. L-artikolu 546 tal-Kodiċi ghandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 546 tal-Kodiċi.

(a) minflok il-kliem fin-nota marginali “b'ċitazzjoni” ghandhom jidhlu l-kliem “b'rikors”;

(b) fis-subartikolu (1) minflok il-kliem “b'ċitazzjoni” ghandhom jidhlu l-kliem “b'rikors”; u

(ċ) fis-subartikolu (2) minflok il-kliem “fiċ-ċitazzjoni” ghandhom jidhlu l-kliem “fir-rikors”.

Emenda ta' l-artikolu 728 tal-Kodiċi.

60. L-artikolu 728 tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) minflok in-nota marginali li hemm ghandha tidhol din in-nota marginali li ġejja:

“Eċċezzjonijiet li jinghataw fir-risposta ġuramentata.”;

u

(b) fis-subartikolu (1), il-kliem “fin-nota ta' l-eċċezzjonijiet jew” ghandhom jithassru u wara l-kliem “fir-risposta” ghandha tidhol il-kelma “ġuramentata”.

Emenda ta' l-artikolu 736 tal-Kodiċi.

61. L-artikolu 736 tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) minflok in-nota marginali li hemm ghandha tidhol din in-nota marginali li ġejja:

“Dmir ta' l-imhallel li jiffirma rikors ġuramentati u mandat ghad li xort'ohra ma jkunx jista' joqghod fil-kawża.”;

u

(b) minflok il-kelma “ċitazzjonijiet” ghandha tidhol il-kelma “rikorsi, sew ġuramentati sew le,”.

Emenda ta' l-artikolu 811 tal-Kodiċi.

62. Fis-subartikolu (b) ta' l-artikolu 811 tal-Kodiċi minflok il-kliem “iċ-ċitazzjoni ma tkunx ġiet innotifikata” ghandhom jidhlu l-kliem “ir-rikors ġuramentat ma jkunx ġie notifikat”.

Sostituzzjoni ta' l-artikolu 815 tal-Kodiċi.

63. Minflok l-artikolu 815 ghandu jidhol dan l-artikolu ġdid li ġej:

“815. Fil-qrati superjuri u fil-qrati inferjuri, it-talba ghar-ritrattazzjoni, f'qorti ta' l-ewwel grad, ghandha ssir b'rikors ġuramentat, u quddiem il-qorti fi grad ta' appell, b'rikors; flimkien mal-prezentata tar-rikors ghandha tinghata l-garanzija ghall-ispejjeż skond l-artikolu 249.”.

Emenda ta' l-artikolu 816 tal-Kodiċi.

64. L-artikolu 816 tal-Kodiċi ghandu jiġi emendat kif ġej:

(a) minflok in-nota marginali li hemm ghandha tidhol din in-nota marginali li ġejja:

“X’ghandu jkun fih ir-rikors ġuramentat.”; u

(b) minflok il-kliem “Fiċ-ċitazzjoni jew fir-rikors ġuramentat” ghandhom jidhlu l-kliem “Fir-rikors ġuramentat jew le”.

65. L-artikolu 823 tal-Kodiċi ghandu jiġi emendat kif ġej:

Emenda ta’ l-
artikolu 823 tal-
Kodiċi.

(a) fis-subartikolu (2), minflok il-kliem “ritrazzjoni tista’, ad istanza, b’rikors quddiem il-Qorti ta’ l-Appell u b’ċitazzjoni quddiem” ghandhom jidhlu l-kliem “ritrattazzjoni tista’, ad istanza, b’rikors kemm quddiem il-Qorti ta’ l-Appell kemm quddiem”; u

(b) fis-subartikolu (4) minflok il-kliem “taċ-ċitazzjoni li jkun fiha t-talba” ghandhom jidhlu l-kliem “tar-rikors li jkun fih it-talba”.

66. Fl-artikolu 826 tal-Kodiċi minflok il-kelma “ċitazzjoni” ghandha tidhol il-kelma “rikors”.

Emenda ta’ l-
artikolu 826 tal-
Kodiċi.

67. Fis-subartikolu (9) ta’ l-artikolu 836 tal-Kodiċi minflok il-kliem “ssirilha ċitazzjoni” ghandhom jidhlu l-kliem “jsirilha rikors”.

Emenda ta’ l-
artikolu 836 tal-
Kodiċi.

68. Is-subartikolu (1) ta’ l-artikolu 843 tal-Kodiċi ghandu jiġi emendat kif ġej:–

Emenda ta’ l-
artikolu 843 tal-
Kodiċi.

(a) minflok il-kliem “sitt ijiem” ghandhom jidhlu l-kliem “ghoxrin jum”;

(b) minflok il-kliem “liema data tiġi qabel.” ghandhom jidhlu l-kliem “liema data tiġi qabel.”; u

(ċ) minnufih wara u fi tmiem is-subartikolu, ghandu jiżdied dan il-proviso li ġej:

“Izda meta tiġi pprezentata ittra uffiċjali ai termini ta’ l-artikolu 166A, ir-rikorrent ghandu jagħmel kawża fi żmien ghoxrin jum minn meta tiġi pprezentata n-nota ta’ oppożizzjoni shiha jew parzjali jew fi żmien sittin jum mill-hruġ tal-mandat skond liema data tiġi qabel.”.

69. Fis-subartikolu (3) ta’ l-artikolu 894 tal-Kodiċi l-kliem “jew b’ċitazzjoni” u “jew fiċ-ċitazzjoni” ghandhom jithassru u wara l-kelma “rikors”, kull fejn tidher, ghandhom jidhlu l-kliem “, ġuramentat jew le.”.

Emenda ta’ l-
artikolu 894 tal-
Kodiċi.

Emenda ta' l-artikolu 925 tal-Kodiċi.

70. Fis-subartikolu (1)(ċ) ta' l-artikolu 925 tal-Kodiċi minflok il-kliem “ċitazzjonijiet, noti ta' l-eċċezzjonijiet,” ghandhom jidhlu l-kliem “rikorsi, risposti”.

Emenda ta' l-artikolu 944 tal-Kodiċi.

71. Fis-subartikolu (2) ta' l-artikolu 944 tal-Kodiċi minflok il-kliem “b'ċitazzjoni” ghandhom jidhlu l-kliem “b'rikors ġuramentat”.

Emenda ta' l-artikolu 946 tal-Kodiċi.

72. Fis-subartikolu (1) ta' l-artikolu 946 tal-Kodiċi minflok il-kliem “b'ċitazzjoni” ghandhom jidhlu l-kliem “b'rikors ġuramentat”.

Emenda ta' l-artikolu 962 tal-Kodiċi.

73. Fl-artikolu 962 tal-Kodiċi il-kliem “biċ-ċitazzjoni jew” u “, skond il-każ,” ghandhom jiġu mhassra u wara l-kelma “rikors” ghandhom jidhlu l-kliem “, ġuramentat jew le,”.

Emenda ta' l-artikolu 963 tal-Kodiċi.

74. Fis-subartikolu (2) ta' l-artikolu 963 minflok il-kliem “taċ-ċitazzjoni” ghandhom jidhlu l-kliem “tar-rikors ġuramentat”.

Emenda ta' l-Iskeda A li tinsab mal-Kodiċi.

75. L-Iskeda A li tinsab mal-Kodiċi ghandha tiġi emendata kif ġej:

(a) fit-Tariffa A -

(i) fis-subartikolu (1) ta' l-artikolu 2 minflok il-kliem “nota ta' l-eċċezzjonijiet” ghandha tidhol il-kelma “risposta”;

(ii) fis-subartikolu (2) ta' l-artikolu 2 minflok il-kliem “nota ta' l-eċċezzjonijiet” ghandha tidhol il-kelma “risposta”;
u

(iii) fis-subartikolu (1) ta' l-artikolu 3 l-kliem “, ċitazzjoni” ghandhom jithassru; u

(b) fit-Tariffa E -

(i) fl-artikolu 16 minflok il-kliem “fiċ-ċitazzjoni” ghandhom jidhlu l-kliem “fir-rikors”;

(ii) fl-artikolu 17 minflok il-kliem “fiċ-ċitazzjoni” ghandhom jidhlu l-kliem “fir-rikors”;

(iii) fil-paragrafu (i) ta' l-artikolu 28 minflok il-kliem “ċ-ċitazzjoni jew ir-rikors ikunu ġew preżentati” ghandhom jidhlu l-kliem “r-rikors ikun ġie ppreżentat”;

(iv) fil-paragrafu (i) ta' l-artikolu 33 il-kliem “, iċ-
 ċitazzjoni, in-nota ta' l-eċċezzjonijiet” ghandhom jithassru;
 u

(v) fil-paragrafu (ċ) ta' l-artikolu 43 minflok il-kelma
 “ċitazzjoni” ghandha tidhol il-kelma “rikors”.

76. Il-Formola Nru. 6 li hemm fl-Iskeda B li tinsab mal-Kodiċi
 ghandha tithassar. Emenda ta' l-Iskeda
 B li tinsab mal-
 Kodiċi.

77. (1) L-effetti ta' din il-liġi jghoddu għall-proċeduri ġodda
 li ser jidhlu fis-sehh permezz tagħha. Kawżi mibdija u li ghadhom
 pendenti jibqgħu validi u tapplika l-liġi kif kienet qabel. Disposizzjoni
 transitorja.

(2) Id-disposizzjonijiet ta' din it-Taqsima jkollhom effett
 fuq il-proċeduri l-ġodda li jiġu pprezentati. Il-kawżi mibdija u li
 ghadhom pendenti jibqgħu validi.

TAQSIMA III

78. Din it-Taqsima temenda u ghandha tinqara u tiftiehem bħala
 haġa waħda mal-Kodiċi tal-Kummerċ, hawnhekk iżjed 'il quddiem f'din
 it-Taqsima msejjah “il-Kodiċi”. Emenda tal-Kodiċi
 tal-Kummerċ, Kap.
 13.

79. Il-Kodiċi ghandu jiġi emendat kif ġej:-

(a) fis-subartikolu (2) ta' l-artikolu 41, fis-subartikolu (2)
 ta' l-artikolu 47, fis-subartikolu (3) ta' l-artikolu 484, fis-subartikolu
 (3) ta' l-artikolu 515 u fis-subartikolu (1) ta' l-artikolu 523, minflok
 il-kelma “ċitazzjoni” kull fejn tidher ghandha tidhol il-kelma
 “rikors ġuramentat”; u Emenda ta' l-
 artikoli 41, 47, 484,
 497, 515 u 523 tal-
 Kodiċi.

(b) fl-artikolu 497, minflok il-kliem “fuq ċitazzjoni
 mahruġa” ghandhom jidhlu l-kliem “b'rikors ġuramentat mahruġ”.

TAQSIMA IV

80. Din it-Taqsima temenda u ghandha tinqara u tiftiehem bħala
 haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem f'din it-
 Taqsima msejjah “il-Kodiċi”. Emenda tal-Kodiċi
 Ċivili, Kap. 16.

81. Il-Kodiċi ghandu jiġi emendat kif ġej:

Emenda ta' l-
 artikoli 92, 211,
 223, 253, 257A,
 366, 1357, 1528,
 1541, 1578, 1602,
 1603 u 2026 tal-
 Kodiċi.

(a) fis-subartikolu (2) ta' l-artikolu 92, fl-artikolu 211, fis-subartikolu (4) ta' l-artikolu 253, fis-subartikolu (3) ta' l-artikolu 257A, fis-subartikolu (2) ta' l-artikolu 366, fis-subartikolu (2) ta' l-artikolu 1357, fl-artikolu 1528, fis-subartikolu (1) ta' l-artikolu 1541 u fl-artikoli 1578, 1602 u 2026, minflok il-kelma "ċitazzjoni" ghandha tidhol il-kelma "rikors ġuramentat";

(b) fl-artikolu 223, minflok il-kliem "b'ċitazzjoni li tkun ġiet ipprezentata" ghandhom jidhlu l-kliem "b'rikors ġuramentat li jkun ġie pprezentat"; u

(ċ) fl-artikolu 1603, minflok il-kliem "fuq din iċ-ċitazzjoni" u "fuq iċ-ċitazzjoni fuq imsemmija" ghandhom jidhlu l-kliem "fuq dan ir-rikors" u "fuq ir-rikors ġuramentat hawn qabel imsemmi" rispettivament.

Emenda ta' l-artikolu 2023 tal-Kodiċi.

82. Fil-paragrafu (b) ta' l-artikolu 2023 tal-Kodiċi, minflok il-kliem "ta' arbitri jew" ghandhom jidhlu l-kliem "ta' arbitri, minn titolu eżekuttiv u".

Emenda tal-Formola B fit-Taqsima II ta' l-Iskeda li tinsab mal-Kodiċi.

83. Fil-Formola B fit-Taqsima II ta' l-Iskeda li tinsab mal-Kodiċi, minflok il-kliem "ċitazzjoni, li fiha" ghandhom jidhlu l-kliem "rikors ġuramentat, li fih" u minflok il-kliem "taċ-ċitazzjoni hawn fuq imsemmija" ghandhom jidhlu l-kliem "tar-rikors ġuramentat hawn qabel imsemmi".

TAQSIMA V

Emenda ta' l-Ordinanza dwar ir-Regolament tat-Traffiku, Kap. 65.

84. Din it-Taqsima temenda u ghandha tinqara u tiftiehem bħala haġa waħda ma' l-Ordinanza dwar ir-Regolament tat-Traffiku hawnhekk iżjed 'il quddiem f'din it-Taqsima msejha "il-liġi prinċipali".

Żieda ta' artikolu 64 ġdid mal-liġi prinċipali

85. Minnufih wara l-artikolu 63 tal-liġi prinċipali ghandu jżidded l-artikolu ġdid li ġej:

"Appell minn sentenza taht l-artikolu 41.

64. Fil-każ ta' sentenza taht l-artikolu 41 l-appell lill-Qorti ta' l-Appell Kriminali jista' jsir sew mis-sid kemm mis-sewwieq tal-vettura."

TAQSIMA VI

Emenda ta' l-Ordinanza dwar il-Lottu Pubbliku, Kap. 70.

86. Din it-Taqsima temenda u ghandha tinqara u tiftiehem bħala haġa waħda ma' l-Ordinanza dwar il-Lottu Pubbliku hawnhekk iżjed 'il quddiem f'din it-Taqsima msejha "il-liġi prinċipali".

87. Fl-artikolu 20 tal-liġi prinċipali minflok il-kliem “Il-Qorti Kriminali tal-Maġistrati” għandhom jidhlu l-kliem “Il-Qorti tal-Maġistrati”. Emenda ta' l-artikolu 20 tal-liġi prinċipali.

TAQSIMA VII

88. Din it-Taqsima temenda u għandha tinqara u tiftiehem bħala haġa waħda ma' l-Att dwar l-Enemalta, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah “l-Att prinċipali”. Emenda ta' l-Att dwar l-Enemalta, Kap. 272.

89. Fl-artikolu 39 ta' l-Att prinċipali, minnufih wara l-partita (i) ta' l-artikolu 39 ta' l-Att prinċipali għandu jiżdied dan li ġej: Emenda ta' l-artikolu 39 ta' l-Att prinċipali.

“(j) dawk il-proċeduri, miżuri jew regolamenti li, minn żmien għal żmien, ikunu neċessarji sabiex jingabar kull ammont li jista' jkun dovut lill-Korporazzjoni Enemalta in relazzjoni mal-provvista ta' l-elettriku jew in relazzjoni mas-serq ta' l-elettriku;”.

TAQSIMA VIII

90. Din it-Taqsima temenda u għandha tinqara u tiftiehem bħala haġa waħda ma' l-Att dwar l-Arbitraġġ, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah “l-Att prinċipali”. Emenda ta' l-Att dwar l-Arbitraġġ, Kap. 387.

91. Fis-subartikolu (3) ta' l-artikolu 4 ta' l-Att prinċipali l-kliem “; l-Avukat Ġenerali jkun membru *ex officio* tal-Bord” għandhom jithassru. Emenda ta' l-artikolu 4 ta' l-Att prinċipali.

92. Fis-subartikolu (1) ta' l-artikolu 9 ta' l-Att prinċipali minflok il-kliem “taht dan l-Att.” għandhom jidhlu l-kliem “taht dan l-Att:” minnufih wara għandu jiżdied dan il-proviso li ġej: Emenda ta' l-artikolu 9 ta' l-Att prinċipali.

“Izda r-registratur jista' jeżerċita waħda jew aktar mill-funzjonijiet tieghu taht dan l-Att jew taht regoli għammulin taht l-Att kemm direttament kemm permezz ta' persuna awtorizzata għal dak l-ghan mill-Bord.”.

93. Minflok is-subartikolu (2) ta' l-artikolu 70B ta' l-Att prinċipali għandu jidhol dan li ġej: Emenda ta' l-artikolu 70B ta' l-Att prinċipali.

“(2) Bla hsara għal dak li hemm speċifikament provdut f'artikolu 6 tat- Taqsima B tar-Raba' Skeda li tinsab ma' dan l-Att, appell għandu jsir fi żmien hmistax-il ġurnata minn meta tiġi riċevuta d-deċiżjoni finali jew, jekk kien hemm xi proċess ta'

arbitraġġ ta' appell jew reviżjoni, mid-data meta l-parti kienet notifikata bir-riżultat ta' dak il-proċess, jew meta l-proċess kien mod ieħor kompletat, jew minn meta jkun skada ż-żmien għalih.”.

Emenda tat-Taqsima B tar-Raba' Skeda li tinsab ma' l-Att prinċipali.

94. It-Taqsima B tar-Raba' Skeda li tinsab ma' l-Att prinċipali għandha tiġi emendata kif ġej:

(a) minflok l-artikoli 2 u 3 għandhom jidhlu l-artikoli li ġejjin:

“2. It-tribunal ta' l-arbitraġġ għandu jkun magħmul minn arbitru wiehed kemm-il darba l-partijiet ma jiftehmu li dan ikun magħmul minn tliet arbitri u javżaw liċ-ċentru fi żmien tletin ġurnata minn meta l-intimat jirċievi l-avviż ta' arbitraġġ;

3. L-uniku arbitru, jew xi wiehed mill-membri tat-tribunal ta' arbitraġġ meta dan ikun magħmul minn tliet arbitri, għandu jinhatar miċ-*Chairman* taċ-ċentru skond id-disposizzjonijiet ta' l-Att kemm-il darba ċ-ċentru ma jġix avżat bil-hatra ta' tribunal ta' arbitraġġ fi żmien tletin ġurnata minn meta l-intimat jirċievi l-avviż ta' l-arbitraġġ;”;

(b) minnufih wara l-artikolu 5 għandhom jiżdiedu dawn l-artikoli godda li ġejjin:

“6. Id-deċiżjoni għandha titqies li tkun ġiet riċevuta mill-partijiet fid-data li d-deċiżjoni tinghata bil-miftuh.

7. Id-disposizzjonijiet ta' Titlu IX ta' l-Ewwel Ktieb u ta' Titlu XI tat-Tielet Ktieb tal-Kodiċi ta' Proċedura u Organizzazzjoni Ċivili u kull disposizzjoni oħra ta' dak il-Kodiċi li għandha x'taqsam mal-kuraturi, għandhom ikunu japplikaw *mutatis mutandis* għat-tilwimiet imsemmija f'din l-Iskeda.

8. Id-disposizzjonijiet ta' Titolu XIV tat-Tielet Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u kull disposizzjoni oħra ta' dak il-Kodiċi li għandha x'taqsam ma' l-intervent u sejha ta' persuna f'kawża għandhom japplikaw *mutatis mutandis* għat-tilwimiet imsemmija f'din l-Iskeda.”.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 335 tas-7 ta' Diċembru, 2005.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

EDWARD FENECH ADAMI
President

23rd December, 2005

ACT No. XXII of 2005

AN ACT to implement various measures related to judicial actions and other administrative measures connected therewith.

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.

1. (1) The short title of this Act is the Judicial Actions (Various Measures) Act, 2005.

(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.

PART I

Amendment of the Criminal Code, Cap. 9.

2. This Part amends and shall be read and construed as one with the Criminal Code, hereinafter in this Part referred to as “the Code”.

Addition of new article 283A to the Code.

3. Immediately after article 283 of the Code there shall be inserted the following new article:

“Complaint
of the injured
party.

283A. No proceedings shall be instituted in respect of any offence of theft of electricity except on the complaint of the injured party even if the offence is one which falls within the competence of the Court of Magistrates as provided in article 370(1) and even if the injured party has not expressly waived the right to prosecute within four days from the commission of the offence. The provisions of this article shall apply notwithstanding anything to the contrary provided in article 373.”.

4. In subarticle (1) of article 326 of the Code, immediately after the words “not exceeding two years.” there shall be added the following proviso: Amendment of article 326 of the Code.

“Provided that no proceedings shall be instituted in respect of any offence under items (c), (e) and (f) of this subarticle except on the complaint of the injured party.”.

5. For subarticle (2) of article 413 of the Code there shall be substituted the following: Amendment of article 413 of the Code.

“(2) Where a judgement is given in respect of several offences and a right of appeal under paragraph (c) of the preceding subarticle, or under any other law, is competent in respect of one of those offences, an appeal shall lie in respect of any other of those offences within the jurisdiction of the Court of Magistrates as a court of criminal judicature under article 370(1) connected with that offence.

There is connection between offences when –

(i) the facts of the offences are substantially the same;
or

(ii) an offence has served as a means for the commission of another offence; or

(iii) the proof of an offence or of a circumstance thereof has a bearing on the proof of another offence or of a circumstance thereof.”.

6. Article 499 of the Code shall be amended as follows: Amendment of article 499 of the Code.

(a) in subarticle (1) thereof, for the words “on any of the pleas referred to in article 449(1)(a), (b) and (g)” there shall be

substituted the words “on any of the pleas referred to in article 449(1)(a), (b), (c), (d) and (g)”;

(b) in subarticle (2) thereof, for the words “on any of the pleas referred to in article 449(1)(c), (d), (e) and (f)” there shall be substituted the words “on any of the pleas referred to in article 449(1)(e) and (f)”.

Amendment of article 520 of the Code.

7. In paragraph (c) of subarticle (1) of article 520 of the Code, for the words “article 205” there shall be substituted the words “articles 175 and 205”.

Amendment to article 544 of the Code.

8. In article 544 of the Code, immediately after the words “(c) violent indecent assault” there shall be added the following:

“(d) theft of electricity and offences arising from items (c), (e) and (f) of subarticle (1) of article 326:”.

Amendment of article 546 of the Code.

9. In article 546 of the Code, immediately after the words “in those proceedings” there shall be added the following proviso:

“Provided further that notwithstanding any other provision when an offence under investigation consists in theft of electricity or an offence under items (c), (e) and (f) of subarticle (1) of article 326 there shall be no inquest unless expressly requested by Enemalta.”.

PART II

Amendment of Code of Organization and Civil Procedure, Cap. 12.

10. This Part amends and shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter in this Part referred to as “the Code”.

Amendment of article 117 of the Code.

11. In article 117 of the Code, for the words “writ of summons” there shall be substituted the words “sworn application”.

Amendment of article 125 of the Code.

12. Article 125 of the Code shall be amended as follows:

(a) in subarticle (1) thereof, for the words “writ of summons or application” there shall be substituted the words “by application, whether sworn or not,”; and

(b) in subarticle (2) thereof, for the words “by writ of summons” there shall be substituted the words “by sworn application”.

13. Article 152 of the Code shall be amended as follows:

Amendment of article 152 of the Code.

(a) in subarticle (2) for the marginal note thereto there shall be substituted the following marginal note:

“Notice to be delivered in writing.”; and

(b) in subarticle (2) for the words “by summons” there shall be substituted the words “in writing”.

14. In the heading of Title II of Part I of Book Second of the Code, immediately before article 154, for the words “Of the Mode of Procedure by Writ of Summons” there shall be substituted the words “Of the Mode of Procedure by Sworn Application”.

Amendment of the heading of Title II of Part I of Book Second of the Code.

15. Article 154 of the Code shall be amended as follows:

Amendment of article 154 of the Code.

(a) for the marginal note thereto there shall be substituted the following marginal note:

“Proceedings by sworn application.”; and

(b) in subarticle (1), for the words “The procedure is said to be by writ of summons” there shall be substituted the words “The procedure by sworn application is considered to institute a cause” and for the words “contained in the writ of summons” there shall be substituted the words “contained in the sworn application”.

16. Article 155 of the Code shall be repealed.

Repeal of article 155 of the Code.

17. Article 156 of the Code shall be amended as follows:

Amendment of article 156 of the Code.

(a) for the marginal note thereto there shall be substituted the following marginal note:

“Drawing up and contents of sworn application.”;

(b) for subarticle (1) there shall be substituted the following subarticle:

“(1) The sworn application shall be prepared by the plaintiff and shall contain -

(a) a statement which gives in a clear and explicit manner the subject of the cause in separate numbered

paragraphs, in order to emphasise his claim and also declare which facts he was personally aware of;

(b) the cause of the claim;

(c) the claim or claims, which shall be numbered.”; and

(d) in every sworn application, the following notice shall be printed in clear and legible letters immediately under the Court heading:

“Whosoever is in receipt of this sworn application in his regard shall file a sworn reply within twenty (20) days from the date of service thereof, which is the date of receipt. Should no written sworn reply be filed in terms of the law within the prescribed time, the Court shall proceed to adjudicate the matter according to law.

It is for this reason in the interest of whosoever receives this sworn application to consult an advocate without delay that he may make his submissions during the hearing of the case.”;

(c) in subarticle (2) for the words “with the writ of summons” there shall be substituted the words “with the sworn application”;

(d) for subarticle (3) there shall be substituted the following:

“(3) The sworn application shall be confirmed on oath before the registrar or legal procurator appointed as Commissioner for Oaths under the Commissioners for Oaths Ordinance.”;

(e) for subarticle (5) there shall be substituted the following:

“(5) Where several actions are brought together as provided in sub-articles (3), (4) and (5) of article 161, it shall at least be one of the plaintiffs who shall confirm on oath before the registrar or the legal procurator appointed as Commissioner for Oaths under the Commissioners for Oaths Ordinance, and the provisions of subarticle (1)(a) of this article shall apply.”;

(f) for subarticle (6) there shall be substituted the following:

“(6) The application shall be served on the defendant.”;
and

(g) for subarticle (7) there shall be substituted the following:

“(7) The registrar shall not receive any application which does not satisfy the elements of subarticle (1) of this article and the court shall not allow any witness to be produced unless his name shall have been given together with the application.”.

18. Article 157 of the Code shall be amended as follows:

Amendment of
article 157 of the
Code.

(a) for the marginal note thereto there shall be substituted the following marginal note:

“Service of sworn application.”; and

(b) for the words “a copy of the writ of summons and of the declaration and of any affidavit of the plaintiff to be served on the defendant” there shall be substituted the words “a copy of the sworn application, any affidavit of the plaintiff and of the documents attached with the application”.

19. Article 158 of the Code shall be amended as follows:

Amendment of
article 158 of the
Code.

(a) for the marginal note thereto there shall be substituted the following marginal note:

“sworn reply and note of admission, filing etc.”;

(b) in subarticle (1), for the words “statement of defence” there shall be substituted the words “sworn reply”;

(c) in subarticle (3), for the words “statement of defence” there shall be substituted the words “sworn reply”;

(d) immediately after paragraph (b) of subarticle (3) there shall be added the following new paragraph:

“(c) the defendant, or one of the defendants if there are more than one defendant, shall also confirm on oath in the sworn reply with numbered paragraphs, all the facts concerning the claim, denying, admitting or explaining the

circumstances of fact set out in plaintiff's declaration, while stating which facts are within his own knowledge.”;

(e) for subarticle (4) there shall be substituted the following:

“(4) The sworn reply shall be confirmed on oath before the registrar or legal procurator appointed as Commissioner for Oaths under the Commissioners for Oaths Ordinance. The defendant shall also indicate the names of the witnesses he intends producing and to state with regard to each one of them what he intends proving by means of their evidence. There shall also be filed together with the sworn reply such documents as may be required to sustain the pleas.”;

(f) in subarticle (5) for the words “statement of defence” there shall be substituted the words “sworn reply” and for the words “such declaration and any such affidavit, as mentioned in subarticle (4)” there shall be substituted the words “the listed requirements in subarticle (3) of this article.”;

(g) in subarticle (8) for the words “statement of defence and declaration” there shall be substituted the words “sworn reply”;

(h) in subarticle (10) for the words “statement of defence and declaration” and “statement and declaration” there shall be substituted the words “sworn reply” respectively;

(i) in subarticle (11) for the words “The statement of defence” there shall be substituted the words “The sworn reply”;

(j) in subarticle (12) for the words “statement of defence” there shall be substituted the words “sworn reply”; and

(k) in subarticle (13) for the words “statement of defence” there shall be substituted the words “sworn reply” and for the words “statement of defence and declaration” there shall be substituted the words “sworn reply”.

Amendment of
article 159 of the
Code.

20. Article 159 of the Code shall be amended as follows:

(a) for the marginal note thereto there shall be substituted the following marginal note:

“The sworn application and the reply not to contain comments or superfluous matter.”; and

(b) in subarticle (1) for the words “the writ of summons and the statement of defence” there shall be substituted the words “the sworn application and the sworn reply”, and for the words “as regards the writ of summons” there shall be substituted the words “as regards the sworn application”, and for the words “as regards the statement of defence.” there shall be substituted the words “as regards the sworn reply.”.

21. In article 160 of the Code, for the words “with the writ of summons or the statement of defence” there shall be substituted the words “with the sworn application or the sworn reply”.

Amendment of article 160 of the Code.

22. Article 161 of the Code shall be amended as follows:

Amendment of article 161 of the Code.

(a) for subarticle (1) thereof, there shall be substituted the following new subarticle:

“(1) In the Superior Courts and in the Courts of Magistrates in Malta and in Gozo, proceedings are ordinarily taken by application while those in the superior shall be sworn.”;

(b) in subarticle (3) thereof, for the words “writ of summons” there shall be substituted the words “sworn application” and immediately after the word “one” and before the word “application” there shall be inserted the words “not sworn”.

23. Article 164 of the Code shall be amended as follows:

Amendment of article 164 of the Code.

(a) in subarticle (1), for the words “by writ of summons” there shall be substituted the words “by sworn application”; and

(b) in subarticle (2), for the words “writ of summons” there shall be substituted the words “sworn application”; the words “Provided that the court may order plaintiff to substitute the writ of summons by an application:” shall be deleted; the word “further” immediately after the word “Provided” shall be deleted; and the word “not” immediately after the word “shall” and before the word “apply” shall be deleted.

24. In subarticle (2) of article 166A of the Code, immediately after the words “on oath by the creditor,” there shall be added the words “either before the registrar or legal procurator appointed as Commissioner for Oaths under the Commissioners for Oaths Ordinance,”.

Amendment of article 166A of the Code.

Amendment of
article 167 of the
Code.

25. Article 167 of the Code shall be amended as follows:

(a) in subarticle (1) thereof, for the words “to pray in the application” there shall be substituted the words “to pray in the sworn application”;

(b) in subarticle (2) thereof, for the words “the application” there shall be substituted the words “the sworn application”; and

(c) in subarticle (3) thereof, for the words “such applications” there shall be substituted the words “such sworn applications”.

Amendment of
article 168 of the
Code.

26. In article 168 of the Code, for the words “With the writ of summons” there shall be substituted the words “With the sworn application” and for the words “together with the writ of summons” there shall be substituted the words “together with the sworn application”.

Amendment of
article 169 of the
Code.

27. Article 169 of the Code shall be amended as follows:

(a) for the marginal note thereto there shall be substituted the following marginal note:

“Time for service of sworn application.”; and

(b) for the words “the writ of summons” there shall be substituted the words “the sworn application”.

Amendment of
article 169A of the
Code.

28. In article 169A of the Code, for the words “The writ of summons” there shall be substituted the words “The sworn application”.

Amendment of
article 171 of the
Code.

29. In subarticle (1) of article 171 of the Code, for the words “writ of summons” there shall be substituted the word “application”.

Amendment of
article 172 of the
Code.

30. Article 172 of the Code shall be amended as follows:

(a) in subarticle (1) thereof, immediately after the word “application” there shall be inserted the words “of appeal.”; and

(b) in subarticle (2) thereof, immediately after the word “application” there shall be inserted the words “of appeal”.

- 31.** In subarticle (1)(d) of article 174 of the Code, for the words “writ of summons” there shall be substituted the words “sworn application”. Amendment of article 174 of the Code.
- 32.** Article 178 of the Code shall be amended as follows: Amendment of article 178 of the Code.
- (a) subarticle (1) shall be renumbered as the whole article and after the words “The written pleadings” there shall be added the words “and the applications whether sworn or not”; and
- (b) subarticle (2) shall be deleted.
- 33.** In subarticle (2) of article 181A of the Code, for the words “statement or pleading.” there shall be substituted the words “sworn reply or sworn pleading.” Amendment of article 181A of the Code.
- 34.** In subarticle (3) of article 181B of the Code, for the words “writ of summons,” there shall be substituted the words “whether sworn or not,” and the words “or statement of defence” shall be deleted. Amendment of article 181B of the Code.
- 35.** In the proviso to subarticle (8) of article 187 of the Code, immediately after the word “and” and before the word “applications” there shall be inserted the word “sworn”, and the words “and writs of summons” shall be deleted. Amendment of article 187 of the Code.
- 36.** In subarticle (2) of article 208 of the Code, for the words “file the statement and declaration” there shall be substituted the words “file the sworn reply as”. Amendment of article 208 of the Code.
- 37.** In article 213 of the Code, for the words “in the writ of summons” there shall be substituted the words “in the application” and for the words “same writ of summons” there shall be substituted the words “same application”. Amendment of article 213 of the Code.
- 38.** In subarticle (2) of article 219A of the Code, the words “writ of summons or” shall be deleted. Amendment of article 219A of the Code.
- 39.** Article 235 of the Code shall be amended as follows: Amendment of article 235 of the Code.
- (a) for the marginal note “or by summons at any time” there shall be substituted the following marginal note:
- “or by sworn application at any time.”; and

(b) in the second proviso for the words “writ of summons” there shall be substituted the word “sworn application”.

Amendment of article 249 of the Code.

40. In subarticle (1) of article 249 of the Code, for the words “by writ of summons” there shall be substituted the words “by sworn application”.

Amendment of article 263 of the Code.

41. Article 263 of the Code shall be amended as follows:

(a) in subarticle (1), for the words “by writ of summons” there shall be substituted the words “by sworn application”; and

(b) in subarticle (2), for the words “writ of summons” there shall be substituted the words “sworn application”.

Amendment of article 329 of the Code.

42. In subarticle (1) of article 329 of the Code, for the words “by writ of summons” there shall be substituted the words “by application”.

Amendment of article 381 of the Code.

43. In subarticle (2) of article 381 of the Code, for the word “writ of summons” there shall be substituted the word “application”.

Amendment of article 392 of the Code.

44. Article 392 of the Code shall be amended as follows:

(a) for the words “by writ of summons” there shall be substituted the words “by sworn application”;

(b) for the words “the opposite party.” there shall be substituted the words “the opposite party:”;

(c) immediately at the end of the article there shall be added the following proviso:

“Provided that in the case of a rendering of accounts under the Condominium Act, such action shall be taken at the Malta Arbitration Centre.”.

Cap. 39.

Amendment of article 398 of the Code.

45. Article 398 of the Code shall be amended as follows:

(a) in subarticle (1), for the words “in the statement of defence where proceedings are by writ of summons, or in the written reply to the application where proceedings are by application.” there shall be substituted the words “in the written reply to the application, whether sworn or not”; and

(b) in subarticle (3), for the words “by writ of summons” there shall be substituted the words “by sworn application”, for

the words “in a statement of defence” there shall be substituted the words “in a sworn reply”, for the words “writ of summons” there shall be substituted the words “of a sworn application” and for the words “that statement of defence” there shall be substituted the words “that sworn reply”.

46. In article 403 of the Code, for the words “by writ of summons” there shall be substituted the words “by sworn application”. Amendment of article 403 of the Code.

47. In article 407 of the Code, for the words “in the writ of summons” there shall be substituted the words “in the sworn application”. Amendment of article 407 of the Code.

48. In article 410 of the Code, for the words “writ of summons” there shall be substituted the words “sworn application”. Amendment of article 410 of the Code.

49. Article 411 of the Code shall be amended as follows: Amendment of article 411 of the Code.

(a) for the marginal note thereto there shall be substituted the following marginal note:

“Perpetual silence to apply only to jactitation referred to in a sworn application.”; and

(b) for the words “in the writ of summons” there shall be substituted the words “in the sworn application”.

50. In article 412 of the Code, for the words “writ of summons” there shall be substituted the words “sworn application”. Amendment of article 412 of the Code.

51. In article 414 of the Code, for the words “by writ of summons” there shall be substituted the words “by sworn application”. Amendment of article 414 of the Code.

52. In article 461 of the Code, for the words “writ of summons” there shall be substituted the word “application”. Amendment of article 461 of the Code.

53. In article 462 of the Code, for the words “by writ of summons” there shall be substituted the words “by application”. Amendment of article 462 of the Code.

54. Article 463 of the Code shall be amended as follows: Amendment of article 463 of the Code.

(a) for the marginal note thereto there shall be substituted the following marginal note:

“Person against whom application is to be directed.”;
and

(b) for the words “writ of summons” there shall be substituted the word “application”.

Amendment of
article 464 of the
Code.

55. Article 464 of the Code shall be amended as follows:

(a) for the marginal note thereto there shall be substituted the following marginal note:

“When application is to be directed against official curators.”;

(b) in subarticle (1) for the words “writ of summons” there shall be substituted the word “application”;

(c) in subarticle (3) for the marginal note thereto there shall be substituted the following marginal note:

“Posting up of copy of application.”; and

(d) in subarticle (3) for the words “writ of summons” there shall be substituted the word “application”.

Amendment of
article 466 of the
Code.

56. In subarticle (1) of article 466 of the Code, immediately after the words “of any government department” there shall be added the following words “or the Chairman of Enemalta Corporation or his representative”.

Amendment of
article 467 of the
Code.

57. In article 467 of the Code, for the words “writ of summons” there shall be substituted the word “application”.

Amendment of
article 533 of the
Code.

58. Article 533 of the Code shall be amended as follows:

(a) in subarticle (1) for the words “by summons” there shall be substituted the words “by application”; and

(b) in subarticle (2) for the words “of the said summons” there shall be substituted the words “of the said application”.

Amendment of
article 546 of the
Code.

59. Article 546 of the Code shall be amended as follows:

(a) for the words in the marginal note “by summons” there shall be substituted the words “by application”;

(b) in subarticle (1) for the words “by summons” there shall be substituted the words “by application”; and

(c) in subarticle (2) for the words “The summons” there shall be substituted the words “The application”.

60. Article 728 of the Code shall be amended as follows:

Amendment of
article 728 of the
Code.

(a) for the marginal note thereto there shall be substituted the following marginal note:

“Pleas to be raised in the sworn answer.”; and

(b) in subarticle (1), the words “in the note of pleas or” shall be deleted and after the words “in the” and before the word “answer” there shall be inserted the word “sworn”.

61. Article 736 of the Code shall be amended as follows:

Amendment of
article 736 of the
Code.

(a) for the marginal note thereto there shall be substituted the following marginal note:

“Judge to sign applications or warrants despite being otherwise precluded from dealing with cause.”; and

(b) for the word “writ of summons” there shall be substituted the word “application, whether sworn or not,”.

62. In subarticle (b) of article 811 of the Code for the words “writ of summons” there shall be substituted the words “sworn application”.

Amendment of
article 811 of the
Code.

63. For article 815 of the Code there shall be substituted the following:

Substitution of
article 815 of the
Code.

“**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 sworn application, and before a court of second instance, by means of an application; the application shall be accompanied by security for costs in terms of article 249.”.

64. Article 816 of the Code shall be amended as follows:

Amendment of
article 816 of the
Code.

(a) for the marginal note thereto there shall be substituted the following marginal note:

“Contents of sworn application.”; and

(b) for the words “In the writ of summons or application” there shall be substituted the words “In the application, whether sworn or not”.

Amendment of article 823 of the Code.

65. Article 823 of the Code shall be amended as follows:

(a) in subarticle (2), for the words “by application before the Court of Appeal and by writ of summons before the court of first instance” there shall be substituted the words “by application both before the Court of Appeal and before the court of first instance”; and

(b) in subarticle (4) for the words “writ of summons” there shall be substituted the words “application”.

Amendment of article 826 of the Code.

66. In article 826 of the Code for the words “a writ of summons” there shall be substituted the words “an application”.

Amendment of article 836 of the Code.

67. In subarticle (9) of article 836 of the Code for the words “by writ of summons” there shall be substituted the words “by application”.

Amendment of article 843 of the Code.

68. Subarticle (1) of article 843 of the Code shall be amended as follows:-

(a) for the words “six days” there shall be substituted the words “fifteen days”;

(b) for the words “whichever is the earlier date.” there shall be substituted the words “whichever is the earlier date.”; and

(c) immediately thereafter at the end of the subarticle, there shall be added the following proviso:

“Provided that when a judicial letter is filed in terms of article 166A, the applicant is bound to file a suit within fifteen days from the date of filing of the note of full or partial opposition or within sixty days from the issuing of the warrant, whichever is the earlier.”.

Amendment of article 894 of the Code.

69. In subarticle (3) of article 894 of the Code the words “or by writ of summons” and “or in the writ of summons” shall be deleted and before the word “application” wherever it appears there shall be inserted the words “whether sworn or not”.

70. In subarticle (1)(c) of article 925 of the Code for the words “writs of summons, statements of defence,” there shall be substituted the word “applications, replies,”

Amendment of article 925 of the Code.

71. In subarticle (2) of article 944 of the Code for the words “by writ of summons” there shall be substituted the words “by sworn application”.

Amendment of article 944 of the Code.

72. In subarticle (1) of article 946 of the Code for the words “by writ of summons” there shall be substituted the words “by sworn application”.

Amendment of article 946 of the Code.

73. In article 962 of the Code the words “writ of summons or” and “, as the case may be,” shall be deleted and after the word “application,” there shall be inserted the words “, whether sworn or not,”.

Amendment of article 962 of the Code.

74. In subarticle (2) of article 963 for the words “writ of summons” there shall be substituted the words “sworn application”.

Amendment of article 963 of the Code.

75. Schedule A to the Code shall be amended as follows:

Amendment of Schedule A to the Code.

(a) in Tariff A -

(i) in subarticle (1) of article 2 for the words “statement of defence” there shall be substituted the word “reply”;

(ii) in subarticle (2) of article 2 for the words “statement of defence” there shall be substituted the word “reply”; and

(iii) in subarticle (1) of article 3 the words “, writ of summons” shall be deleted; and

(b) in Tariff E -

(i) in article 16 for the words “in the writ of summons” there shall be substituted the words “in the application”;

(ii) in article 17 for the words “in the writ of summons” there shall be substituted the words “in the application”;

(iii) in paragraph (i) of article 28 the words “the writ of summons or” shall be deleted;

(iv) in paragraph (i) of article 33 the words “, the writ of summons, the statement of defence” shall be deleted; and

(v) in paragraph (c) of article 43 for the word “a writ of summons” there shall be substituted the words “an application”.

Amendment of
Schedule B to the
Code.

76. Form No. 6 in Schedule B to the Code shall be deleted.

Transitory
provision.

77. (1) The provision of this law shall have effect with regard to new proceedings which shall be instituted by virtue of the same law. Proceedings which have already commenced and which are still pending shall retain their validity under the former law.

(2) The provisions of this Part shall have effect on any new proceedings which are instituted. Such cases as have already been commenced and which are still pending shall retain their validity at law.

PART III

Amendment of the
Commercial Code,
Cap. 13.

78. This Part amends and shall be read and construed as one with the Commercial Code, hereinafter in this Part referred to as “the Code”.

Amendment of
articles 41, 47, 484,
497, 515 and 523 of
the Code.

79. The Code shall be amended as follows:-

(a) in subarticle (2) of article 41, in subarticle (2) of article 47, in subarticle (3) of article 484, in subarticle (3) of article 515 and in subarticle (1) of article 523, for the words “writ of summons” wherever it appears there shall be substituted the word “sworn application”; and

(b) in article 497, for the words “a writ of summons” there shall be substituted the words “a sworn application”.

PART IV

Amendment of the
Civil Code, Cap. 16.

80. This Part amends and shall be read and construed as one with the Civil Code, hereinafter in this Part referred to as “the Code”.

81. The Code shall be amended as follows:

(a) in subarticle (2) of article 92, in articles 211, in subarticle (4) of article 253, in subarticle (3) of article 257A, in subarticle (2) of article 1357, in article 1528, in subarticle (1) of article 1541 and in articles 1578, 1602, 1603 and 2026, for the words “writ of summons” there shall be substituted the word “sworn application”;

(b) in article 223, for the words “a writ of summons” there shall be substituted the words “a sworn application”; and

(c) in subarticle (2) of article 366, for the words “upon a writ of summons” there shall be substituted the words “upon a sworn application”.

Amendment of articles 92, 211, 223, 253, 257A, 366, 1357, 1528, 1541, 1578, 1602, 1603 and 2026 of the Code.

82. In paragraph (b) of article 2023 of the Code, for the words “of arbitrators, or” there shall be substituted the words “of arbitrators, an executive title and”.

Amendment of article 2023 of the Code.

83. In Form B in Part II of the Schedule to the Code, for the words “a writ of summons” there shall be substituted the words “a sworn application” and for the words “said writ of summons” there shall be substituted the words “said sworn application”.

Amendment of Form B in Part II of the Schedule to the Code.

PART V

84. This Part amends and shall be read and construed as one with the Traffic Regulation Ordinance, hereinafter in this Part referred to as “the principal law”.

Amendment of the Traffic Regulation Ordinance, Cap. 65.

85. Immediately after article 63 of the principal law there shall be inserted the following new article:

Addition of new article 64 to the principal law.

“Appeal from a judgement under article 41.

64. In the case of any judgement under article 41 an appeal may be made either by the owner or by the driver of the vehicle.”.

PART VI

86. This Part amends and shall be read and construed as one with the Public Lotto Ordinance, hereinafter in this Part referred to as “the principal law”.

Amendment of the Public Lotto Ordinance, Cap. 70.

Amendment of article 20 of the principal law.

87. In article 20 of the principal law for the words “The Criminal Court of Magistrates” there shall be substituted the words “The Court of Magistrates”.

PART VII

Amendment of the Enemalta Act, Cap. 272.

88. This Part amends and shall be read and construed as one with the Enemalta Act, hereinafter in this Part referred to as “the principal Act”.

Amendment of article 39 of the principal Act.

89. In article 39 of the principal Act, immediately after item (i) of article 39 of the principal Act there shall be added the following:

“(j) such procedures, measures or regulations which may, from time to time, be necessary for the recovery of any amount that may be due to Enemalta Corporation in relation to the supply of electricity and in relation to theft of electricity;”.

PART VIII

Amendment of the Arbitration Act, Cap. 387.

90. This Part amends and shall be read and construed as one with the Arbitration Act, hereinafter in this Part referred to as “the principal Act”.

Amendment of article 4 of the principal Act.

91. In subarticle (3) of article 4 of the principal Act the words “; the Attorney General shall be an *ex officio* member of the Board” shall be deleted.

Amendment of article 9 of the principal Act.

92. In subarticle (1) of article 9 of the principal Act for the words “under this Act.” there shall be substituted the words “under this Act:” and immediately thereafter there shall be added the following proviso:

“Provided that the registrar may exercise any one or more of his functions under this Act or under rules made thereunder both directly and through a person who is authorised for such purpose by the Board.”.

Amendment of article 70B of the principal Act.

93. For subarticle (2) of article 70B of the principal Act there shall be substituted the following:

“(2) Subject to the specific provisions of article 6 of Part B of the Fourth Schedule to this Act, an appeal must be brought within fifteen days of the receipt of the final award or, if there has been

an arbitral process of appeal or review, of the date when the party was notified of the result of that process or the process was otherwise completed or the time for it has elapsed.”.

94. Part B of the Fourth Schedule to the principal Act shall be amended as follows:

Amendment of Part B of the Fourth Schedule to the principal Act.

(a) for articles 2 and 3 there shall be substituted the following articles:

“2. The arbitral tribunal shall be composed of one arbitrator unless the parties agree that it shall be composed of three arbitrators and notify the Centre within thirty days of the receipt by the respondent of the notice of arbitration;

3. The sole arbitrator, or any of the members of the arbitral tribunal when it is composed of three arbitrators, shall be appointed by the Chairman of the Centre in accordance with the provisions of the Act unless the Centre is notified of the appointment of an arbitral tribunal within thirty days of the receipt by the respondent of the notice of arbitration;”;
and

(b) immediately after article 5 there shall be added the following new articles:

“6. The award shall be deemed to have been received by the parties on the date when it is delivered in open tribunal.

7. The provisions of Title IX of Book First and of Title XI of Book Third of the Code of Organization and Civil Procedure and any other provision of that Code relating to curators, shall *mutatis mutandis* apply to the disputes referred to in this Schedule.

8. The provisions of Title XIV of Book Third of the Code of Organization and Civil Procedure and any other provision of that Code relating to the intervention and joinder of parties to a suit, shall apply *mutatis mutandis* to the disputes referred to in this Schedule.”.

A 550

Passed by the House of Representatives at Sitting No. 335 of 7th December, 2005.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives