

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,423, 8 ta' Mejju, 2015

Taqsimha C

Nru. 94

08. 05. 2015

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Justyne Caruana, M.P., Segretarju Parlamentari għad-Drittijiet ta' Persuni b'Dizabilità u Anzjanità Attiva, f'isem il-Ministru għall-Familja u Solidarjetà Soċjali, u moqri għall-Ewwel darba fis-Seduta tal-4 ta' Mejju, 2015.

A BILL introduced by the Honourable Justyne Caruana, M.P., Parliamentary Secretary for Rights of Persons with Disability and Active Ageing, on behalf of the Minister for the Family and Social Solidarity, and read the First time at the Sitting of the 4th May, 2015.

ATT biex jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap. 12, u biex jipprovdi għal hwejjeg ancillari jew konsegwenzjali għal dan.

AN ACT to amend the Code of Organization and Civil Procedure, Cap. 12, and to provide for matters ancillary or consequential thereto.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

Abbozz ta' Liġi msejjah

ATT biex jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap. 12, u biex jipprovdi għal hwejjeġ ancillari jew konsegwenzjali għal dan.

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2015 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawn iżjed 'il quddiem imsejjah il-Kodiċi. Titolu fil-qosor.
Kap. 12.

2. Minnufih wara l-artikolu 519G tal-Kodiċi, għandu jiżdied l-artikolu ġdid li ġej: Iżid artikolu
ġdid mal-
Kodiċi.

"Hatra ta'
grupp ta'
kustodji.

519GA. (1) Il-Ministru responsabbli għall-Persuni b'Diżabbiltà għandu jahtar grupp ta' kustodji kif jista' iqs xieraq, li jikkonsistu f'avukati, prokuraturi legali, haddiema soċjali u esperti oħra, sabiex iwettqu id-dmirijiet ta kustodji.

(2) Elenku ta' dan il-grupp ta' membri nominati kif intqal qabel għandu jiġi ppubblikat fil-Gazzetta.

(3) Il-persuni mahtura taht id-dispożizzjonijiet ta' dan l-artikolu għandhom iwettqu d-dmirijiet tagħhom skont min imissu sakemm il-Bord dwar il-Kustodja ma jqisx li jkun xieraq li jappunta kustodju partikolari li jissodisfa l-bżonnijiet tal-htigiet ta' rikors għal kustodja partikolari.

(4) Kull kustodju għandu jkun imissu skont l-ordni li fih l-ismijiet tal-persuni mahtura jkunu mnizzlin fl-elenku sakemm ma jkunx hemm oġġezzjoni raġonevoli kontra l-persuna li lilha jkun imiss, f'liema każ għandha tisseyjaħ l-persuna li jkun imissha wara tali persuna, u l-persuna oġġezzjonata kif hawn fuq imsemmi għandha tkun intitolata li tinhatar għad-darba li jkun imiss li għaliha ma jkunx hemm oġġezzjoni.

(5) Id-dispożizzjonijiet tal-artikoli 519F, 519G, 519H, 519I, u 519J li jirrigwardaw il-funzjonijiet, id-dmirijiet u r-responsabilitajiet ta' kustodji għandhom *mutatis mutandis* japplikaw għall-grupp ta' kustodji.

(6) F'każ ta' imġiba ħazina jew traskuraġni jew kwalunkwe oġġezzjoni raġonevoli oħra għal kustodju magħżul mill-elenku biex jaqdi dmirijiet ta' kustodju, il-Bord għandhu jkollu s-setgħa li jnehħih mill-każ u jahtar kustodju ieħor minfloku mill-elenku."

Ghanijiet u Raġunijiet

L-għan prinċipali ta' dan l-abbozz hu li johloq elenku ta' kustodji sabiex id-dispożizzjonijiet tat-Titolu IIIA - Fuq il-Kustodja - tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jkunu jistgħu jitwettqu b'mod aktar effiċjenti.

**A Bill
entitled**

AN ACT to amend the Code of Organization and Civil Procedure, Cap. 12, and to provide for matters ancillary or consequential thereto.

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. The short title of this Act is the Code of Organization and Civil Procedure (Amendment) Act, 2015, and this Act shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter referred to as "the Code".

Short title.

Cap. 12.

2. Immediately after article 519G of the Code, there shall be added the following new article:

Addition of new article to the Code.

"Appointment of guardians.

519GA. (1) The Minister responsible for Persons with Disability shall nominate a pool of guardians as he may deem fit, consisting of advocates, legal procurators, social workers and other experts, to perform the duties of guardians.

(2) A list of the members of the pool appointed as aforesaid shall be published in the Gazette.

(3) The persons appointed under the provisions of this article shall perform their duties in rotation unless the Guardianship Board deems fit to appoint a particular guardian to suit the needs of a particular guardianship application.

(4) The rotation shall be according to the order in which the names of the persons appointed are placed on the rota unless there is some reasonable objection against the person whose turn it is on the rota, in which case the person immediately next on the rota shall be selected and the person objected to as aforesaid shall be entitled to the next turn in regard to which there shall be no objection.

(5) The provisions of articles 519F, 519G, 519H, 519I and 519J relating to functions, duties and responsibilities of guardians shall mutatis mutandis apply to the pool of guardians.

(6) In case of misconduct, negligence or any reasonable objection to any guardian selected from the rota to perform the duties of guardian, the Board shall have the power to remove him from the case and to appoint another guardian from the rota in his stead."

Objects and Reasons

The main object of this Bill is to create a pool of guardians in order that the provisions of Title IIIA - Of Guardianship - of the Code of Organization and Civil Procedure may be put into effect with greater efficiency.

