

87. L-Onor. David Agius u l-Onor. Jason Azzopardi jipponu:

L-Ewwel Qari ta' Abbozz ta' Ligi msejjah "Abbozz ta' Ligi li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili."

16.01.18

Abbozz ta' Ligi

imsejjah

Att biex jipprovdi għall-protezzjoni kontra kawzi strategici kontra l-partecipazzjoni pubblika

JIGI APPROVAT mill-President, fuq u bil-parir u kunsens tal-Kamra tar-Rapprezentanti, f'dan il-Parlament imlaqqa', u bl-awtorita' tal-istess, kif gej:-

Titolu fil-qosor

1. It-titolu qasir ta' dan l-Att hu l-Att tal-2018 li jemenda l-Kodici ta' **Organizzazzjoni u Procedura Civili** minn hawn imsejjah l-"Att Principali".

Emenda tal-Art. 827 tal-Att Principali

Art. 827 (1)(c) għandu jigi emendat biex jaqra kif gej":

"(c) jekk is-sentenza jkollu xi disponiment kuntrarju għall-ordni pubblika jew kuntrarja għal-ligi pubblika interna ta' Malta;

Għall-finijiet ta' dan is-sub-artiklu, sentenza mogħtija kontra persuna jew entita' normalment residenti jew domiciljata jew li topera għawwa Malta fuq kwistjoni ta' allegat malafama jew libell tkun meqjusa kuntrarja għall-ordni pubblika jew il-ligi

pubblika interna ta' Malta sakemm il-persuna jew entita' ma tkunx iddefendiet il-kaz fil-mertu fil-qorti estera li tkun tat is-sentenza li l-ezekuzzjoni taghha tkun qed tigi mitluba f'Malta.

Emenda tal-Art 827 (2) tal-Att Principali

Wara l-kliem "ghall-finijiet ta' dan l-artiklu" jiddahhlu l-kliem "u dan minghajr pregudizzju ghall-provvedimenti tal-Art. 827 (1)(c)

Emenda konsegwenzjali ghall-ligi tal-iStampa (Kap 248)

L-Art 2 jigi emendat kif gej:

Art 2 (Tifsiriet)

"Pubblikazzjoni" tfisser kwalunkwe att li permezz tieghu materja stampata tkun, jew tista' tigi, kkomunikata jew migjuba a konjizzjoni ta' xi persuna jew li bih kliem jew viziv ikunu trasmessi, u ghall-finijiet u effetti kollha tal-ligi tkun kwistjoni ta' ordni pubbliku f'Malta illi kull procediment legali dwar xi publikazzjoni maghmula minn persuna jew entita' normalment residenti jew domiciljata jew li topera gewwa Malta ghandu jingab fil-Qrati jew Tribunali ta' Malta u tali Qrati jew Tribunali ghandhom ikollhom gurizdizzjoni esklussiva biex jisimghu u jiddeciedu tali procedimenti u dan anke jekk il-pubblikazzjoni in



kwistjoni tkun ospitata jew imxandra minn sistemi ('servers' jew simili) operati barra minn Malta''

Ragunijiet u Ghanijiet

L-ghan ta' dan l-Abbozz hu biex ma jhallix l-ezekuzzjoni f'Malta mill-Qrati Maltin ta' decizjoni moghtija minn Qrati barra minn Malta wara kawzi migjuba biex jiccensuraw, jintimidaw u jwaqqfu kritici f'Malta billi jgiegheluhom ihallsu spejjez legali kbar bil-ghan li dawn jabbandunaw il-kritika jew oppozizzjoni taghhom.

A BILL

entitled

AN ACT to provide for the protection from strategic lawsuits against public participation

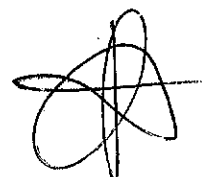
BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title

1. The short title of this Act is the **Code of Organisation and Civil Procedure (Amendment) Act, 2018**, hereinafter referred to as “the principal Act”.

Amendment of article 827 of the principal law.

Article 827 (1)(c) shall be amended to read as follows:

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line extending to the right.

“(c) if the judgement contains any disposition contrary to the public policy or to the internal public law of Malta;

For the purposes of this sub-article, a judgement delivered on a matter of alleged defamation or libel against a person or entity normally resident or domiciled in or operating within Malta shall be deemed to be contrary to the public policy or to the internal public law of Malta unless the said person or entity has defended the case on its merits in the foreign court that shall have delivered the judgement that is sought to be enforced.”

Amendment of Article 827(2) of the principal law:


After the words “For the purposes of this article” insert the words “and without prejudice to the provisions of Article 827 (1) (c)”

Consequential amendment to the Press Act, (Chapter 248)

Article 2 shall be amended to read as follows:

Art 2 [definitions]

“publication” means any act whereby any printed matter is or may be communicated to or brought to the knowledge of any person or whereby any words or visual images are broadcast and for all intents and purposes at law it shall be a matter of the public policy of Malta that proceedings in respect of any publication made by a person or entity normally resident or domiciled in or operating within Malta shall be brought in the Courts or Tribunals of Malta and such Courts or Tribunals shall have exclusive jurisdiction to hear and determine such proceedings and this irrespective of whether the publication in question is hosted or otherwise broadcast from servers located outside Malta”

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal stroke, positioned in the lower right quadrant of the page.

Objects and Reasons

The purpose of this Bill is to prevent the execution in Malta by the Maltese courts of law of strategic lawsuits against public participation intended to censor, intimidate, and silence critics by burdening them with the exorbitant cost of a legal defence until they abandon their criticism or opposition.



Hon. Jason Azzopardi MP



Hon David Agius MP

16.01.2018