

L.N. 138 of 2000

**SMALL CLAIMS TRIBUNAL ACT
(CAP. 380)**

Small Claims Tribunal (Amendment) Rules, 2000

IN exercise of the powers conferred by article 16 of the Small Claims Tribunal Act, the Minister of Justice and Local Government, with the concurrence of the Minister of Finance, has made the following rules:-

Title and commencement.

L.N. 145 of 1995.

1. (1) The title of these rules is Small Claims Tribunal (Amendment) Rules, 2000, and they shall be read and construed as one with the Small Claims Tribunal Rules, 1995, hereinafter referred to as "the principal rules".

(2) These rules shall come into force on the 1st October, 2000.

Substitutes Tariff A of the principal rules.

2. Tariff A of the Second Schedule annexed to the principal rules shall be deleted and substituted by the following new tariff:

"TARIFF A

Registry fees payable in the Small Claims Tribunal

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|---|---|-------|
| 1 | For the filing of any claim | Lm 10 |
| 2 | For the filing of any reply the fees established in paragraph 1 of this Tariff shall be due but shall be rebated by | 50% |
| 3 | For the filing of any application of appeal | Lm 30 |
| 4 | For the filing of an answer to an application of appeal | Lm 20 |
| 5 | The fees established in paragraphs 1 to 4 of this Tariff shall include the filing of all other acts of procedure and services (including but not limited to the filing of warrants for the examination of witnesses, the examination itself, recording fees, transcriptions and copies, the services of judicial assistants, decrees and declarations prior to definitive judgement, taxed bill of costs and copies of the judgement) required following the initiation of the cause through the said act up to and including final judgement but excluding any fees due for the notification of acts and any fees due to referees or experts appointed by the Tribunal or any fees which the Tribunal may be required to pay to third parties. | |
| 6 | No fee shall be levied for the filing of any note of admission of a claim provided that the claim is admitted in full and unconditionally before any contestation thereon. | |
| 7 | Any counter-claim contained in any reply or answer shall be treated as if it is a new claim or appeal and the fees set out in paragraphs 1 to 4 of this Tariff shall be levied on the counter claim and the reply thereto. | |

- 8 The fees stated in paragraphs 1 to 4 of this Tariff shall also be due on the filing of any application to the Tribunal to be permitted to file any statement of defence, answer or other act of procedure filed in reply to a claim and intended to contest, whether totally or partially, a claim or appeal.
- 9 (1) For every notification of an act of procedure, including expenses incurred in the execution of such notification, the following fees shall be due:
- | | |
|--|---------|
| (i) registry fee | Lm 2.50 |
| (ii) fee due to the executive officer effecting the service | Lm 0.50 |
- (2) Notwithstanding anything contained in this Tariff if the notification of any act is to be executed personally by an executive officer of the Tribunal, in cases where the law permits that service be effected otherwise, the following additional fees shall be due, for each notification:
- | | |
|--|-------|
| (i) registry fee | Lm 20 |
| (ii) fee due to the executive officer effecting the service | Lm 3 |
- 10 For any other act of procedure indicated in the Small Claims Tribunal Act, but for which no fee is established in this Tariff: Lm 5
- Provided that fees for services not specifically provided for in this Tariff but provided for in other Tariffs shall be taxed according to those Tariffs.
- 11 For the opening of the registry outside working hours:
- | | |
|---|-------|
| (i) registry fee | Lm 50 |
| (ii) fee due to attending deputy registrar | Lm 20 |
| (iii) fee due to each executive officer required to effect service..... | Lm 15 |
- 12 (1) All fees due shall be paid together with the filing of the relative act and the Registrar shall not accept for filing any act of procedure, which is not accompanied by the relative fee.
- (2) The assessment of the Registrar on the amount of fees to be paid shall be final.
- (3) In assessing the fees laid down in this Tariff no account shall be taken of any fraction of Lm 1.
- 13 (1) The Tribunal may, when delivering judgement, order that the plaintiff or defendant in a cause pay increased costs to the Registrar of Courts of not less than Lm 100 and not more than Lm 250 if the Tribunal deems that the act of procedure initiating the claim or the act of procedure in reply was frivolous or vexatious or that either of the parties has unnecessarily prolonged the proceedings and in such case such sum will not be recoverable from the other party.
- No appeal shall lie from the decision of the Tribunal.
- (2) The Tribunal may, when delivering judgement, also order that part of the costs be borne by the advocate of the plaintiff or the defendant if the Tribunal deems that the advocate is responsible, wholly or partly, for the frivolous or vexatious act of procedure or for prolonging the proceedings.
- No appeal shall lie from the decision of the Tribunal.
- 14 (1) The Registrar shall cause a taxed bill of costs to be kept in the file of each cause and shall immediately enter therein all payments made to the Registrar and all payments due to the advocates and legal procurators of the parties and the parties and their advocates and legal procurators shall have the right to a copy thereof at any time.

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(2) Within one month of the delivery of the definitive judgement, the Registrar shall cause a final taxed bill of costs to be drawn up."

L.N. 139 of 2000

**AGRICULTURAL LEASES (RELETTING) ACT
(CAP. 199)**

Agricultural Leases (Amendment) Regulations, 2000

IN exercise of the powers conferred by article 19 of the Agricultural Leases (Reletting) Act, the Minister of Justice and Local Government, with the concurrence of the Minister of Finance, has made the following regulations:-

Title and commencement.
L.N. 41 of 1967.

1. (1) The title of these regulations is Agricultural Leases (Amendment) Regulations, 2000, and they shall be read and construed as one with the Agricultural Leases Regulations, 1967, hereinafter referred to as "the principal regulations".

(2) These regulations shall come into force on the 1st October, 2000.

Substitutes regulation 7 of the principal regulations.

2. Regulation 7 of the principal regulations shall be deleted and substituted by the following new regulation:

"Registry fees.

7. The Registry fees to be assessed by the Registrar on the filing of any act shall be in accordance with the fees shown in Tariff A contained in the Schedule."

Deletes regulation 8 of the principal regulations.

3. Regulation 8 of the principal regulations shall be deleted.

Substitutes Tariff A in the Schedule of the principal regulations.

4. Tariff A of the Schedule annexed to the principal regulations shall be deleted and substituted by the following new Tariff:

"TARIFF A

Registry fees payable in the Rural Leases Control Board

1	For the filing of any claim	Lm 15
2	For the filing of any reply	Lm 10
3	For the filing of any application of appeal	Lm 30
4	For the filing of an answer to an application of appeal	Lm 20

- 5 The fees established in paragraphs 1 to 4 of this Tariff shall include the filing of all other acts of procedure and services (including but not limited to the filing of warrants for the examination of witnesses, the examination itself, recording fees, transcriptions and copies, the services of judicial assistants, decrees and declarations prior to definitive judgement, taxed bill of costs and copies of the judgement) required following the initiation of the cause through the said act up to and including final judgement but excluding any fees due for notification of the acts of procedure or any fees due to referees or experts appointed by the Board or any fees which the Board may be required to pay to third parties.
- 6 (1) No fee shall be levied for the filing of any note of admission of a claim provided that the claim is admitted in full and unconditionally before any contestation thereon.
- (2) Any counter-claim contained in any act of procedure shall be treated as if it is a new claim and the fees set out in paragraphs 1 to 4 shall be levied on the counter claim and the reply thereto.
- (3) The fees stated in paragraphs 1 to 4 shall also be due on the filing of any application to the Board to be permitted to file any statement of defence, answer or other act of procedure filed in reply to a claim and intended to contest, whether totally or partially, a claim made.
- 7 (1) For every notification of an act of procedure, including expenses incurred in the execution of such notification, the following fees shall be due:
- (i) registry fee Lm 2.50
 - (ii) fee due to the executive officer effecting the service Lm 0.50
- (2) Notwithstanding anything contained in this Tariff if the service of any act is to be executed personally by an executive officer of the Board, in cases where the law permits that service be effected otherwise, the following additional fees shall be due, for each notification:
- (i) registry fee Lm 20
 - (ii) fee due to the executive officer effecting the service Lm 3
- 8 For any other act of procedure indicated in the Agricultural Leases (Reletting) Act but for which no fee is established in these Tariffs Lm 5
- Provided that fees for services not specifically provided for in this Tariff but provided for in other Tariffs shall be taxed according to those Tariffs.
- 9 For the opening of the registry outside working hours:
- (i) registry fee Lm 50
 - (ii) fee due to attending deputy registrar Lm 20
 - (iii) fee due to each executive officer required to effect service Lm 15
- 10 (1) The Board may, when delivering judgement, order that the plaintiff or defendant in a cause pay increased costs to the Registrar of Courts of not less than Lm 100 and not more than Lm 250 if the Board deems that the act of procedure initiating the claim or the act of procedure in reply was frivolous or vexatious or that either of the parties has unnecessarily prolonged the proceedings and in such case such sum will not be recoverable from the other party.
- No appeal shall lie from the decision of the Board.

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(2) The Board may, when delivering judgement, also order that part of the costs be borne by the advocate of the plaintiff or the defendant if the Board deems that the advocate is responsible, wholly or partly, for the frivolous or vexatious act of procedure or for prolonging the proceedings.

No appeal shall lie from the decision of the Board.

11 (1) All fees due shall be paid together with the filing of the relative act and the Registrar shall not accept for filing any act of procedure, which is not accompanied by the relative fee.

(2) The assessment of the Registrar on the amount of fees to be paid shall be final.

(3) In assessing the fees laid down in this Tariff no account shall be taken of any fraction of Lm 1.

12 (1) The Registrar shall cause a taxed bill of costs to be kept in the file of each cause and shall immediately enter therein all payments made to him and all payments due to the advocates and legal procurators of the parties and the parties and their advocates and legal procurators shall have the right to a copy thereof at any time.

(2) Within one month of the delivery of the definitive judgement, the Registrar shall cause a final taxed bill of costs to be drawn up."

L.N. 140 of 2000

**LAND ACQUISITION (PUBLIC PURPOSES) ORDINANCE
(CAP. 88)**

Land Arbitration Board Proceedings (Amendment) Rules, 2000

IN exercise of the powers conferred by article 35 of the Land Acquisition (Public Purposes) Ordinance, the Minister of Justice and Local Government, with the concurrence of the Minister of Finance, has made the following rules:-

Title and commencement.

G.N. 495 of 1935.

1. (1) The title of these rules is Land Arbitration Board Proceedings (Amendment) Rules, 2000, and they shall be read and construed as one with the Land Arbitration Board Proceedings Rules, 1935, hereinafter referred to as "the principal rules".

(2) These rules shall come into force on the 1st October, 2000.

Amends rule 8 of the principal rules.

2. Rule 8 of the principal rules shall be amended by the deletion of the words from "Together with every application" to the words "not more than ten liri and fifty cents."

Substitutes rule 9 of the principal rules.

3. Rule 9 of the principal rules shall be deleted and substituted by the following new rule:

"Registry and other fees.

9. (1) The registry fees established in the Tariff annexed to these rules shall be paid together with the filing of the relative act of procedure.

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(2) Fees due to the advocate and legal procurator shall be taxed in accordance with the Tariff of Fees annexed to the Code of Organization and Civil Procedure."

Adds Tariff to the principal rules.

4. Immediately after rule 12 of the principal rules there shall be added the following new tariff:

"TARIFF

Registry fees payable in the Land Arbitration Board

1	For the filing of any claim	Lm 15
2	For the filing of any reply	Lm 10
3	For the filing of any application of appeal	Lm 30
4	For the filing of an answer to an application of appeal	Lm 20

- 5 The fees established in paragraphs 1 to 4 of this Tariff shall include the filing of all other acts of procedure and services (including but not limited to the filing of warrants for the examination of witnesses, the examination itself, recording fees, transcriptions and copies, the services of judicial assistants, decrees and declarations prior to definitive judgement, taxed bill of costs and copies of the judgement) required following the initiation of the cause through the said act up to and including final judgement but excluding any fees due for notification of the acts of procedure or any fees due to referees or experts appointed by the Board or any fees which the Board may be required to pay to third parties.
- 6 (1) No fee shall be levied for the filing of any note of admission of a claim provided that the claim is admitted in full and unconditionally before any contestation thereon.
- (2) Any counter-claim contained in any act of procedure shall be treated as if it is a new claim and the fees set out in paragraphs 1 to 4 shall be levied on the counter claim and the reply thereto.
- (3) The fees stated in paragraphs 1 to 4 shall also be due on the filing of any application to the Board to be permitted to file any statement of defence, answer or other act of procedure filed in reply to a claim and intended to contest, whether totally or partially, a claim made.
- 7 (1) For every notification of an act of procedure, including expenses incurred in the execution of such notification, the following fees shall be due:
- (i) registry fee Lm 2.50
 - (ii) fee due to the executive officer effecting the service Lm 0.50
- (2) Notwithstanding anything contained in this Tariff if the service of any act is to be executed personally by an executive officer of the Board, in cases where the law permits that service be effected otherwise, the following additional fees shall be due, for each notification:
- (i) registry fee Lm 20
 - (ii) fee due to the executive officer effecting the service Lm 3
- 8 For any other act of procedure indicated in the Land Acquisition (Public Purposes) Ordinance but for which no fee is established in this Tariff Lm 5
- Provided that fees for services not specifically provided for in this Tariff but provided for in other Tariffs shall be taxed according to those Tariffs.
- 9 For the opening of the registry outside working hours:
- (i) registry fee Lm 50
 - (ii) fee due to attending deputy registrar Lm 20
 - (iii) fee due to each executive officer required to effect service Lm 15
- 10 (1) The Board may, when delivering judgement, order that the plaintiff or defendant in a cause pay increased costs to the Registrar of Courts of not less than Lm 100 and not more than Lm 250 if the Board deems that the act of procedure initiating the claim or the act of procedure in reply was frivolous or vexatious or that either of the parties has unnecessarily prolonged the proceedings and in such case such sum will not be recoverable from the other party.
- No appeal shall lie from the decision of the Board.

(2) The Board may, when delivering judgement, also order that part of the costs be borne by the advocate of the plaintiff or the defendant if the Board deems that the advocate is responsible, wholly or partly, for the frivolous or vexatious act of procedure or for prolonging proceedings.

No appeal shall lie from the decision of the Board.

11 (1) All fees due shall be paid together with the filing of the relative act and the Registrar shall not accept for filing any act of procedure, which is not accompanied by the relative fee.

(2) The assessment of the Registrar on the amount of fees to be paid shall be final.

(3) In assessing the fees laid down in this Tariff no account shall be taken of any fraction of Lm 1.

12 (1) The Registrar shall cause a taxed bill of costs to be kept in the file of each cause and shall immediately enter therein all payments made to him and all payments due to the advocates and legal procurators of the parties and the parties and their advocates and legal procurators shall have the right to a copy thereof at any time.

(2) Within one month of the delivery of the definitive judgement, the Registrar shall cause a final taxed bill of costs to be drawn up."

L.N. 141 of 2000

**RELETTING OF URBAN PROPERTY
(REGULATION) ORDINANCE
(CAP. 69)**

Rent Regulation Board (Fees) (Amendment) Regulations, 2000

IN exercise of the powers conferred by article 45 of the Reletting of Urban Property (Regulation) Ordinance, the Minister of Justice and Local Government, with the concurrence of the Minister of Finance, has made the following regulations:-

Title and commencement

L.N. 155 of 1996.

1. (1) The title of these regulations is Rent Regulation Board (Fees) (Amendment) Regulations, 2000, and they shall be read and construed as one with the Rent Regulation Board (Fees) Regulations, 1996, hereinafter referred to as "the principal regulations".

(2) These regulations shall come into force on the 1st October, 2000.

Adds regulation 3 to the principal regulations.

2. Immediately after regulation 2 of the principal regulations, there shall be added the following new regulation:

"Registry fees.

3. The registry fees established in the Tariff annexed to these regulations shall be paid together with the filing of the relative act of procedure."

Adds new Tariff to the principal regulations

3. Immediately after regulation 3 of the principal regulations there shall be added the following new Tariff:

"TARIFF

Registry fees payable in the Rent Regulation Board

1	For the filing of any claim	Lm 15
2	For the filing of any reply	Lm 10
3	For the filing of any application of appeal	Lm 30
4	For the filing of an answer to an application of appeal	Lm 20
5	The fees established in paragraphs 1 to 4 of this Tariff shall include the filing of all other acts of procedure and services (including but not limited to filing of warrants for the examination of witnesses, the examination itself, recording fees, transcriptions and copies, the services of judicial assistants, decrees and declarations prior to definitive judgement, taxed bill of costs and copies of the judgement) required following the initiation of the cause through the said act up to and including final judgement but excluding any fees due for notification of the acts of procedure or any fees due to referees or experts appointed by the Board or any fees which the Board may be required to pay to third parties.	

- 6 (1) No fee shall be levied for the filing of any note of admission of a claim provided that the claim is admitted in full and unconditionally before any contestation thereon.
- (2) Any counter-claim contained in any act of procedure shall be treated as if it is a new claim and the fees set out in paragraphs 1 to 4 shall be levied on the counter claim and the reply thereto.
- (3) The fees stated in paragraphs 1 to 4 shall also be due on the filing of any application to the Board to be permitted to file any statement of defence, answer or other act of procedure filed in reply to a claim and intended to contest, whether totally or partially, a claim made.
- 7 (1) For every notification of an act of procedure, including expenses incurred in the execution of such notification, the following fees shall be due, for each notification:
- | | |
|--|---------|
| (i) registry fee | Lm 2.50 |
| (ii) fee due to the executive officer effecting the service | Lm 0.50 |
- (2) Notwithstanding anything contained in this Tariff if the service of any act is to be executed personally by an executive officer of the Board, in cases where the law permits that service be effected otherwise, the following additional fees shall be due:
- | | |
|--|-------|
| (i) registry fee | Lm 20 |
| (ii) fee due to the executive officer effecting the service | Lm 3 |
- 8 For any other act of procedure indicated in the Reletting of Urban Property (Regulation) Ordinance but for which no fee is established in this Tariff
- | | |
|--|------|
| | Lm 5 |
|--|------|
- Provided that fees for services not specifically provided for in this Tariff but provided for in other Tariffs shall be taxed according to those Tariffs.
- 9 For the opening of the registry outside working hours:
- | | |
|--|-------|
| (i) registry fee | Lm 50 |
| (ii) fee due to attending deputy registrar | Lm 20 |
| (iii) fee due to each executive officer required to effect service | Lm 15 |
- 10 (1) The Board may, when delivering judgement, order that the plaintiff or defendant in a cause pay increased costs to the Registrar of Courts of not less than Lm 100 and not more than Lm 250 if the Board deems that the act of procedure initiating the claim or the act of procedure in reply was frivolous or vexatious or that either of the parties has unnecessarily prolonged the proceedings and in such case such sum will not be recoverable from the other party.
- No appeal shall lie from the decision of the Board.
- (2) The Board may, when delivering judgement, also order that part of the costs be borne by the advocate of the plaintiff or the defendant if the Board deems that the advocate is responsible, wholly or partly, for the frivolous or vexatious act of procedure or for prolonging the proceedings.
- No appeal shall lie from the decision of the Board.
- 11 (1) All fees due shall be paid together with the filing of the relative act and the Registrar shall not accept for filing any act of procedure, which is not accompanied by the relative fee.
- (2) The assessment of the Registrar on the amount of fees to be paid shall be final.
- (3) In assessing the fees laid down in this Tariff no account shall be taken of any fraction of Lm 1.

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- 12 (1) The Registrar shall cause a taxed bill of costs to be kept in the file of each cause and shall immediately enter therein all payments made to the Registrar and all payments due to the advocates and legal procurators of the parties and the parties and their advocates and legal procurators shall have the right to a copy thereof at any time.
 - (2) Within one month of the delivery of the definitive judgement, the Registrar shall cause a final taxed bill of costs to be drawn up."
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L.N. 142 of 2000

**CODE OF ORGANIZATION AND CIVIL PROCEDURE
(CAP. 12.)**

**Code of Organization and Civil Procedure (Schedule A)
(Amendment) Regulations, 2000**

IN exercise of the powers conferred by article 1004 of the Code of Organization and Civil Procedure, the Minister of Justice and Local Government, with the concurrence of the Minister of Finance, has made the following regulations:-

Title and commencement.

Cap. 12.

1. (1) The title of these regulations is Code of Organization and Civil Procedure (Schedule A) (Amendment) Regulations, 2000 and they shall be read and construed as one with Schedule A annexed to the Code of Organization and Civil Procedure, hereinafter referred to as "Schedule A".

(2) These regulations shall come into force on the 1st October, 2000.

Substitutes Tariffs A, B, C and D of Schedule A.

2. Tariffs A, B, C and D of Schedule A shall be deleted and substituted by the following new Tariffs A, B, C and D:

"TARIFF A

Fees payable in respect of the trial of causes in the Registries of the Superior Courts of Justice and the Courts of Magistrates in Malta and Gozo excluding the Court of Voluntary Jurisdiction

1 (1) For the filing of any petition, application, writ of summons or other act of procedure containing a claim which initiates a contentious procedure in a Court of First Instance and requiring the decision of a Judge or Magistrate as well as for any statement of defence, answer or other act of procedure in reply thereto and intended to contest, whether totally or partially, the claim made Lm 50

Provided that the above fee shall include the filing of all other acts of procedure and court services (including but not limited to filing of warrants for the examination of witnesses, the examination itself, recording fees, transcriptions and copies, the services of judicial assistants, the transmission of the records of causes, taxed bill of costs and copies of the judgement) required following the initiation of the cause through the said act up to and including final judgement but excluding any fees due for the notification of acts and fees due to referees or experts appointed by the Court or any fees which the Court may be required to pay to third parties.

(2) For the filing of any petition, application, writ of summons or other legal act initiating a contentious procedure in a Court of Appeal and requiring the decision of a Judge as well as for any statement of defence, answer or other act of procedure in reply thereto and intended to contest, whether totally or partially, the appeal Lm 75

Provided that no fee shall be payable under this paragraph for any appeal filed in terms of any other law which already provides a fee to be paid for such an appeal:

Provided further that the above fees shall include the filing of all other acts of procedure and court services (including but not limited to the filing of warrants for the examination of witnesses, the examination itself, recording fees, transcriptions and copies, the services of judicial assistants, the transmission of the records of causes, taxed bill of costs and copies of the judgement) required following the initiation of the appeal through the said act up to and including final judgement but excluding any fees due for the notification of acts and any fees due to referees or experts appointed by the Court or any fees which the Court may be required to pay to third parties.

(3) No fee shall be levied under this paragraph for the filing of any note of admission of a claim provided that the claim is admitted in full and unconditionally before any contestation thereon.

(4) Any counter-claim contained in any act of procedure stated in sub-paragraphs (1) or (2) of this paragraph shall be treated as if it is a new claim and the fees set out in sub-paragraphs (1) and (2) of this paragraph shall be levied on the counter claim and the reply thereto.

(5) In actions for personal separation, maintenance, filiation, paternity, child abduction or custody, relating to the civil status of a person, relating to human rights or relating to general elections and in actions concerning personal injury, claims for the payment of wages or claims for unjust dismissal from employment, the fees stated in this paragraph shall be rebated by

75%

2 (1) In addition to the fees stated in paragraph 1, on the filing any petition, application, writ of summons or other act of procedure containing a claim which initiates a contentious procedure in a Court of First Instance and requiring the decision of a Judge or Magistrate and when the registry fee is assessable on a determinate value or on a value which may be determined according to law or from the act itself, the following fees shall also be due:

- (a) up to Lm 3000, per Lm 100 or part thereof Lm 3.50
- (b) in respect of any value in excess of Lm 3,000 up to Lm 5,000, per Lm 100 or part thereof Lm 2.50
- (c) in respect of any value in excess of Lm 5,000 up to Lm 10,000, per Lm 100 or part thereof Lm 2.25
- (d) in respect of any value in excess of Lm 10,000 up to Lm 50,000, per Lm 100 or part thereof Lm 1.50
- (e) in respect of any value in excess of Lm 50,000 up to Lm 100,000, per Lm 100 or part thereof Lm 1.00
- (f) in respect of any value in excess of Lm 100,000, per Lm 100 or part thereof Lm 0.75

Provided that the fees established in sub-paragraphs (a) to (f) of this paragraph shall be inclusive of any declaration, which may be necessary, and of any decree given in a cause up to final judgement.

(2) In addition to the fees stated in paragraph 1, on the filing of a statement of defence, answer or other act of procedure filed in reply to a claim and intended to contest, whether totally or partially, a claim made in a Court of First Instance, the fees stated in sub-paragraph (1) of this paragraph shall also be due but shall be rebated by

50%

Which amount is due to be paid not later than the day preceding the day of the first court sitting in the case, and in the event that such payment is not effected, such act of procedure shall be deemed not to have been done.

In computing such amount, the Registrar shall, together with the notified act concerning which the act is done, inform such person about the amount to be paid and by which date.

(3) Any counter-claim contained in any act of procedure stated in sub-paragraphs (1) or (2) of this paragraph shall be treated as if it is a new claim and the fees set out in sub-paragraphs (1) and (2) of this paragraph shall be levied on the counter claim and the reply thereto.

(4) In actions for personal separation, maintenance, filiation, paternity, child abduction or custody, relating to the civil status of a person, relating to human rights or relating to general elections and in actions concerning personal injury, claims for the payment of wages or claims for unjust dismissal from employment the fees stated in this paragraph shall not apply but there shall be levied a one time fee of

Lm 50

(5) The fees established in sub-paragraphs (1) and (2) of this paragraph shall be raised by one third on appeal.

(6) No fee shall be payable under this paragraph for any appeal filed in terms of any other law which already provides a fee to be paid for such an appeal.

(7) In the case of appeals filed in terms of any other law for which no fee is established in terms of that law, the fees established in terms of this paragraph shall not be due but there shall be levied a one time fee of

Lm 50

3 (1) When the value of a claim is uncertain or indeterminate and the fees stated in paragraph 2 cannot be applied, the value of the claim shall be assessed in accordance with the following rules:

(a) In actions brought by the Government or by any Authority or Public Corporation where the claim is for the recovery of a penalty which has both a minimum and a maximum fixed by law, the value to be assessed shall be the maximum amount of the penalty fixed by law.

(b) In actions concerning the partition of property whether *inter vivos* or *causa mortis* and independently of whether the actual partition is requested or not, and in actions concerning succession, the claimant shall, together with his claim, submit a list of the property the partition of which is being requested or which is involved in the succession together with a declaration, signed and attested to on oath by an architect in the case of immovables and by a competent valuer in the case of movables, certifying the valuation of such property, and the value shall be assessed on the total sum shown on such valuation:

Provided that in no case shall the fee taxed be less than

Lm 250

(c) In actions concerning the payment of annuities, allowances and the like the fee taxed shall be

Lm 250

(d) In actions relating to the ranking of creditors, bankruptcy proceedings or any other adjudication upon competing claims the claimant shall together with his claim submit a valuation by a certified accountant of the assets and liabilities being the subject of the claim and the value to be assessed shall be the higher sum between the assets and liabilities:

Provided that in no case shall the fee taxed be less than

Lm 250

- (e) In causes concerning the validity of a redemption or the implementation of a promise of sale or transfer, whether of movables or immovables, the value to be assessed shall be the value of the property redeemed or which was promised to be sold or transferred and for this purpose the claimant shall, together with his claim, submit the promise of sale or transfer, if existent, or, if not existent, a declaration, signed and attested to on oath by an architect in the case of immovables and by a competent valuer in the case of movables, certifying the value of such property:
- Provided that in no case shall the fee taxed be less than Lm 250
- (f) In causes where the claim is for the Court to declare the existence of a right of the claimant against any other person which right may reasonably be inferred to be followed by a liquidation of the amount due, even if such liquidation is not requested in the claim, the claimant shall be obliged together with his claim to submit a sworn declaration stating the approximate sum which he believes he could claim if his right is established, and the value to be assessed shall be the value declared by the claimant:
- Provided that in no case shall the fee taxed be less than Lm 250
- (2) Where, notwithstanding the rules contained in sub-paragraph (1) of this paragraph, the value is still uncertain or indeterminate, the fee taxed shall not be less than Lm 250
- (3) Notwithstanding the provisions of this paragraph, if, following definitive judgement, the Court will have declared or liquidated an amount as the value of the cause and that value is determinate or may be determined according to law and the fees due on such value are higher than the amount paid as registry fees, the Registrar of Courts may demand the difference from the party filing the cause.
- 4 (1) In cases of compromise or discontinuance of any cause in a Court of First Instance:
- after contestation of the claim but before the first hearing of the cause, all fees paid in terms of paragraph 2 or 3 will be rebated by 75%
- following the first hearing of the cause but not later than the third sitting thereof, all fees paid in terms of paragraph 2 or 3 will be rebated by 50%
- following the third hearing of the cause but before the cause has been put off for judgement, all fees paid in terms of paragraphs 2 and 3 will be rebated by 25%
- (2) In cases of compromise or discontinuance of a cause in a Court of Appeal the rebates established in the previous sub-paragraph of this paragraph shall be applied as well but limited only to the fees paid relative to the appeals procedure.
- (3) The fees stated in paragraphs 1 to 3 of this Tariff shall also be due on the filing of any application to a Court to be permitted to file any statement of defence, answer or other act of procedure filed in reply to a claim and intended to contest, whether totally or partially, a claim made in a Court of First Instance or in a Court of Appeal provided that in the event of a judgement of non-suit all fees paid in terms of paragraphs 1 to 3 shall be rebated by 50%
- 5 (1) For every notification of an act of procedure, including expenses incurred in the execution of such notification, the following fees shall be due:
- (i) registry fee Lm 2.50
- (ii) fee due to the executive officer effecting the service Lm 0.50

(2) Notwithstanding anything contained in this Tariff, if the notification of any act is to be executed personally by an executive officer of the Court, in cases where the law permits that service be effected otherwise, the following additional fees shall be due for each notification:

- | | |
|--|-------|
| (i) registry fee | Lm 20 |
| (ii) fee due to the executive officer effecting the service | Lm 3 |
| 6 For any other act of procedure indicated in the Code of Organisation and Civil Procedure but for which no fee is established in these Tariffs | Lm 5 |
| 7 For the opening of the registry outside working hours: | |
| (i) registry fee | Lm 50 |
| (ii) fee due to attending deputy registrar | Lm 20 |
| (iii) fee due to each executive officer required to effect service | Lm 15 |
| 8 (1) Unless otherwise stated, all fees due shall be paid together with the filing of the relative act and the Registrar shall not accept for filing any act of procedure which is not accompanied by the relative fee. | |
| (2) The assessment of the Registrar on the amount of fees to be paid shall be final. | |
| (3) In assessing the fees laid down in this Tariff no account shall be taken of any fraction of Lm 1. | |
| 9 (1) The Court may, when delivering judgement, order that the plaintiff or defendant in a cause pay increased costs to the Registrar of Courts of not less than Lm 250 and not more than Lm 1,000 if the Court deems that the act of procedure initiating the claim or the act of procedure in reply was frivolous or vexatious or that either of the parties has unnecessarily prolonged the proceedings and in such case such sum will not be recoverable from the other party. | |
| No appeal shall lie from the decision of the Court. | |
| (2) The Court may, when delivering judgement, also order that part of the costs be borne by the advocate of the plaintiff or the defendant if the Court deems that the advocate is responsible, wholly or partly, for the frivolous or vexatious act of procedure or for prolonging the proceedings. | |
| No appeal shall lie from the decision of the Court. | |
| 10 (1) The Registrar shall cause a taxed bill of costs to be kept in the file of each cause and shall immediately enter therein all payments made to the Registrar and all payments due to the advocates and legal procurators of the parties and the parties, their advocates and legal procurators shall have the right to a copy thereof at any time. | |
| (2) Within one month of the delivery of the definitive judgement, the Registrar shall cause a final taxed bill of costs to be drawn up and a copy thereof shall be sent to the parties and their advocates and legal procurators. | |
| 11 With respect to causes which have been presented prior to the coming into force of this Tariff the Registrar shall, on the conclusion of that cause or on the compromise or discontinuance thereof, tax the fees due on the basis of this Tariff deducting therefrom any sums paid to date and any difference in favour of the Registrar shall be due by the party established in this Tariff. | |
| Provided that this paragraph shall not apply to any cause - | |
| (i) which, on the day of the coming into force of this Tariff, is put off for judgement; | |

- (ii) which, following the coming into force of this Tariff but not later than the 30th June 2001, is unconditionally compromised or unconditionally discontinued:

Provided further that any agreement registered in the records of the cause stating that the parties have agreed to discontinue the cause and refer it to the binding decision of the Malta Arbitration Centre shall, for the purpose of this paragraph, be treated as an unconditional compromise or discontinuance.

TARIFF B

Fees payable in respect of Judicial Acts and Services not connected with the trial of causes in the Registries of the Superior Courts of Justice and the Courts of Magistrates in Malta and Gozo excluding the Court of Voluntary Jurisdiction

1	For the filing of any judicial letter but excluding fees due for any notification required	Lm 10
2	For every certificate required to be issued by the Registrar.....	Lm 10
3	For legalising any note required to be registered in the Public Registry	Lm 10
4	For the affixing of any seal of the Court where this is prescribed by law or by the Court	Lm 10
5	For every copy, authenticated or otherwise, for each page	Lm 1
6	For every translation, in addition to the fees payable to the translator .	Lm 25
7	For every search in the archives of the Court, per individual cause	Lm 2
	and for any copy thereof, whether authenticated or not, per page	Lm 1
8	For the administration of an affidavit not in connection with court proceedings	Lm 5
9	For the lodgement of any monies in Court, for any schedule of set-off or redemption, a fee equal to	10%
	of the money to be deposited, to be set-off or redeemed shall be levied but such fee shall not include the notification of such schedule on third parties indicated in the schedule and provided further that in no case shall such fee be less than	Lm 10
10	For the lodgement in Court of any object not being monies excluding the service of such schedule on third parties indicated in the schedule	Lm 25
11	For the searching for and inspection of any application for the withdrawal of any monies or things deposited in Court but not including the notification of such application on third parties indicated in the application and for any reply thereto	Lm 10
12	For the opening of the registry outside working hours:	
	(i) registry fee	Lm 50
	(ii) fee due to attending deputy registrar	Lm 20
	(iii) fee due to each executive officer required to effect service	Lm 15
13	(1) For every notification of an act of procedure, including expenses incurred in the execution of such notification, the following fees shall be due:	
	(i) registry fee	Lm 2.50
	(ii) fee due to the executive officer effecting the service	Lm 0.50

(2) Notwithstanding anything contained in this Tariff if the notification of any act is to be executed personally by an executive officer of the Court, in cases where the law permits that service be effected otherwise, the following additional fees shall be due for each notification:

- (i) registry fee Lm 20
 - (ii) fee due to the executive officer effecting the service Lm 3
- 14 For any other act of procedure indicated in the Code of Organization and Civil Procedure but for which no fee is established in these Tariffs Lm 5
- 15 (1) All fees due shall be paid together with the filing of the relative act and the Registrar shall not accept for filing any act of procedure which is not accompanied by the relative fee.
- (2) The assessment of the Registrar on the amount of fees to be paid shall be final.
- (3) In assessing the fees laid down in this Tariff no account shall be taken of any fraction of Lm 1.

TARIFF C

Fees payable in respect of Acts filed in the Court of Voluntary Jurisdiction

- 1 For every application filed and for every answer thereto, not being an application or answer indicated in any of the following paragraphs of this Tariff Lm 5
- Provided that the above fee shall include the filing of all other acts of procedure and court services (including but not limited to the filing of all procedural acts, examination of witnesses, preparation and publication of notices, banns and edicts, copies of decrees, taxation of fees and the like) required following the initiation of proceedings through the said application up to and including the final decree but excluding any fees due to referees or experts appointed by the Court or any fees which the Court may be required to pay to third parties.
- 2 For the presentation of every secret will Lm 20
- 3 For any obligation entered in the records of the Court:
- (i) if the value of the estate does not exceed Lm 1,000 Lm 10
 - (ii) if the value of the estate does not exceed Lm 10,000 Lm 30
 - (iii) if the value of the estate does not exceed Lm 50,000 Lm 75
 - (iv) if the value of the estate exceeds Lm 50,000 Lm 100
- 4 For every report on a reference as to the taxation of fees:
- (i) registry fee Lm 20
 - (ii) fee due to the referee appointed by the Court Lm 50
- Provided that the Court may order that a higher fee be paid to the referee appointed by the Court if it deems that the work involved so warrants.
- 5 For the examination of accounts:
- (i) registry fee Lm 25
 - (ii) fee due to the expert appointed by the Court Lm 100
- Provided that the Court may order that a higher fee be paid to the expert appointed by the Court if it deems that the work involved so warrants.

- 6 For every curatorship in cases of discharge or in connection with edicts:
- (i) registry fee Lm 10
 - (ii) fee due to the curator appointed by the Court Lm 20
- Provided that the Court may order that a higher fee be paid to the curator appointed by the Court if it deems that the work involved so warrants.
- 7 For the opening of the registry outside working hours:
- (i) registry fee Lm 25
 - (ii) fee due to attending deputy registrar Lm 10
 - (iii) fee due to each executive officer required to effect service Lm 5
- 8 (1) The fees stated in paragraphs 1 to 5 of this Tariff are inclusive of the filing of any subsequent act of procedure, transport expenses for court executive officers, the filing of valuations or reports by Court appointed experts, the publication of banns and notices in the Government Gazette and any other court service in connection thereto and which is not specifically excluded by this Tariff.
- (2) The fees stated in paragraphs 1 to 5 of this Tariff do not include fees and expenses due to Court appointed experts and to third parties, which fees and expenses shall be taxed separately.
- 9 For any other act of procedure indicated in the Code of Organization and Civil Procedure but for which no fee is established in these Tariffs Lm 5
- Provided that fees for services not specifically provided for in this Tariff but provided for in other Tariffs shall be taxed according to those Tariffs.
- 10 For every service not otherwise included and, notwithstanding anything else contained in this Tariff, for any notification required in addition to the first notification following the filing of an act of procedure, for each service Lm 5
- 11 (1) For every notification of an act of procedure, including expenses incurred in the execution of such notification, the following fees shall be due:
- (i) registry fee Lm 1.50
 - (i) fee due to the executive officer effecting service Lm 0.50
- (2) Notwithstanding anything contained in this Tariff, if the notification is to be executed personally by an executive officer of the Court in cases where the law permits that service be effected otherwise, the following fees shall be due for each notification:
- (i) registry fee Lm 10
 - (ii) fee due to the executive officer effecting the service Lm 2
- 12 (1) All fees due shall be paid together with the filing of the relative act and the Registrar shall not accept for filing any act of procedure which is not accompanied by the relative fee.
- (2) The assessment of the Registrar on the amount of fees to be paid shall be final.
- (3) In assessing the fees laid down in this Tariff no account shall be taken of any fraction of Lm 1.

TARIFF D

Fees payable in respect of Precautionary and Executive Acts and Judicial Sales by Auction in the Registries of the Superior Courts of Justice and the Courts of Magistrates in Malta and Gozo excluding the Court of Voluntary Jurisdiction

1	For the filing of a warrant of prohibitory injunction:	
	(i) registry fee	Lm 50
	(ii) fee due to the executive officer required to effect service, for each notification	Lm 3
2	For the filing of a warrant of impediment of departure including the service thereof:	
	(i) registry fee	Lm 25
	(ii) fee due to the executive officer required to effect service, for each notification	Lm 3
3	For the filing of any other warrant:	
	(i) registry fee	Lm 15
	(ii) fee due to the executive officer required to effect service, for each notification	Lm 3
4	For the filing of any counter-warrant:	
	(i) registry fee	Lm 15
	(ii) fee due to the executive officer required to effect service, for each notification	Lm 3
5	(1) (a) For the filing of any application for a judicial sale by auction:	
	(i) registry fee	Lm 50
	(ii) fee due to the executive officer required to effect service, for each notification	Lm 3
	(b) No fee shall be levied for the suspension of a judicial sale by auction	
	(c) For the filing of an application to re-appoint a judicial sale by auction which has been suspended:	
	(i) registry fee	Lm 100
	(ii) fee due to the executive officer required to effect service, for each notification	Lm 3
	(2) For the removal of movables to the place where they are to be sold by judicial auction:	
	(i) registry fee	Lm 50
	(ii) fee due to the executive officer executing the seizure ...	Lm 20
	(3) For the storage in Government property of any movable to be sold by auction, per day	Lm 20
	Provided that the applicant shall, together with the filing of the application for the judicial sale by auction, deposit a sum equivalent to seven days' storage which sum shall be adjusted following the adjudication of the sale or on its suspension.	
	(4) For the adjudication of any movable or immovable following a judicial sale by auction, for every Lm 100	1%
	Provided that in no case shall the fee levied be less than	Lm 100

Provided further that when a licensed auctioneer performs the auction, the fee established in the Auctioneers Act shall, in addition be due to the auctioneer.

- 6 For the opening of the registry outside working hours:
 - (i) registry fee Lm 50
 - (ii) fee due to attending deputy registrar Lm 20
 - (iii) fee due to each executive officer required to effect service Lm 15

- 7 (1) Subject to sub-paragraph (2) of this paragraph, the fees stated in paragraphs 1 to 4 of this Tariff are inclusive of all expenses and services required in connection with the execution of the relative act of procedure, any police assistance which the executive officer may require in executing the act, the filing of valuations or reports by Court appointed experts and the publication of banns and notices in the Gazette.
 (2) The fees stated in paragraphs 1 to 4 of this Tariff do not include fees and expenses due to Court appointed experts and to third parties which fees and expenses shall be taxed separately.

- 8 For any other act of procedure indicated in the Code of Organization and Civil Procedure but for which no fee is established in these Tariffs Lm 5

- 9 For every notification, not previously mentioned in this Tariff, of an act of procedure, including expenses incurred in the execution of such notification, the following fees shall be due:
 - (i) registry fee Lm 2.50
 - (ii) fee due to the executive officer effecting the service Lm 1.00

- 10 Notwithstanding anything contained in this Tariff if the notification is to be executed personally by an executive officer of the Court in cases where the law permits that notification be effected otherwise, the following fees shall be due, for each notification:
 - (i) registry fee Lm 20
 - (ii) fee due to the executive officer effecting the service Lm 3

- 11 (1) All fees due shall be paid together with the filing of the relative act and the Registrar shall not accept for filing any act of procedure which is not accompanied by the relative fee.
 (2) The assessment of the Registrar on the amount of fees to be paid shall be final.
 (3) In assessing the fees laid down in this Tariff no account shall be taken of any fraction of Lm 1."

3. Tariffs H, I and M of Schedule A shall be deleted.

Deletes Tariffs H, I and M of Schedule A.

4. Tariff J of Schedule A shall be deleted and substituted by the following new Tariff:

Substitutes Tariff J of Schedule A.

"TARIFF J

Fees payable in connection with Sea Protests or proceedings concerning Average

- 1 For the procedures required following the filing of any application regarding sea protests or for proceedings touching average up to the filing of the report:
 - (i) registry fee Lm 50
 - (ii) fee due to the advocate Lm 100
 - (iii) fee due to the judge delegate Lm 50
 - (iv) fee due to the deputy registrar Lm 25
 - (v) fee due to the translator, if required Lm 25
 - (vi) fee due to the clerk transcribing the protest and depositions, if required Lm 20
 - (vii) fee due to the executive officer of the Court Lm 15

- 2 When the sea protest is drawn up outside the edifice of the Law Courts the fees stated in paragraph 1 of this Tariff shall be increased by 25%

Provided that if the sea protest is drawn up on board a ship lying outside a harbour the fees stated in paragraph 1 of this Tariff shall be increased by 50%

- 3 Where the sea protest is drawn up at any time after 4.00pm and before 9.00am the fees set out in paragraph 1 of this Tariff shall be increased by 50%

- 4 (1) The sea-protest shall be drawn up in English.
 (2) An interpreter shall be employed when the declaration is made or the evidence given in a language with which the judge is not conversant."

