

Nagħti l-kunsens tiegħi.

(L.S.)

UGO MIFSUD BONNICI
President

26 ta' Mejju, 1998

ATT Nru. XII ta' l-1998

ATT biex jemenda l-Att dwar Tribunal għal Talbiet Żgħar

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

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1998 li jemenda l-Att dwar Tribunal għal Talbiet Żgħar, u għandu jinqara u jinftiehem haġa waħda ma' l-Att ta' l-1995 dwar Tribunal għal Talbiet Żgħar, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.

Att Nru. V
ta' l-1995.

(2) Dan l-Att għandu jibda jsehh f'dik id-data li l-Ministru responsabbli għall-gustizzja jista' b'avviż fil-Gazzetta jistabbilixxi u jistgħu jigu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

2. L-artikolu 3 ta' l-Att prinċipali għandu jiġi emendat kif ġej:—

Emenda ta'
l-artikolu 3 ta'
l-Att prinċipali.

(a) fis-subartikolu (2) tiegħu, minflok il-kliem "mitt lira Maltija" għandhom jidhlu l-kliem "mitejn u hamsin lira Maltija";

(b) fis-subartikolu (3) tiegħu, minflok il-paragrafu (ċ) għandu jidhol dan li ġej:

“(ċ) Jekk it-talba tkun għal kapitali u mgħaxxijiet, il-valur jiġi determinat mis-somom kapitali kollha flimkien li jkunu qed jiġu mitlubin, u t-Tribunal ikollu ġurisdizzjoni dwar dik it-talba minkejja li s-somom tal-kapital u ta' l-imghaxxijiet mitlubin ikunu flimkien iġibu iżjed minn mitejn u hamsin lira Maltija.”; u

(ċ) fis-subartikolu (5) tiegħu, minflok il-kliem “l-mitt lira Maltija” għandhom jidhlu l-kliem “l-mitejn u hamsin lira Maltija”.

Emenda ta' l-artikolu 10 ta' l-Att prinċipali.

3. Minflok il-kliem “hamsin lira Maltija” fis-subartikolu (3) ta' l-artikolu 10 ta' l-Att prinċipali, għandhom jidhlu l-kliem “mitt lira Maltija”.

Sostituzzjoni ta' l-artikolu 11 ta' l-Att prinċipali.

4. Minflok l-artikolu 11 ta' l-Att prinċipali, għandu jidhol dan l-artikolu gdid li ġej:

“Registru tat-Tribunal.

11. (1) Ir-Registru tal-Qorti tal-Maġistrati (Malta) jew ir-Registru tal-Qorti tal-Maġistrati (Għawdex), skond il-każ, huwa r-Registru tat-Tribunal, u hemm jiġu ippreżentati l-atti tat-Tribunal.

(2) L-atti tat-Tribunal għandhom ikunu aċċessibbli għal kulhadd, u jingħataw kopji tagħhom mal-hlas tad-dritt preskritt lil kull persuna li titlobhom.

(3) L-atti tat-Tribunal għandhom jiġu depożitati u miżmuma fl-arkivju tal-Qorti tal-Maġistrati (Malta) jew fl-arkivju tal-Qorti tal-Maġistrati (Għawdex), skond il-każ.”.

Dispożizzjoni transitorja.

5. (1) Kawżi li fil-bidu fis-sehh ta' dan l-Att ikunu pendenti quddiem il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex) għandhom ikomplu jinstemghu u jiġu maqtugħa quddiem l-imsemmija Qorti sakemm il-partijiet kollha f'dik il-kawża ma jaqblux illi l-istess kawża għandha tiġi maqtugħa mit-Tribunal, f'liema każ l-atti għandhom permezz tar-Registratur jiġu mgħoddija lit-Tribunal, li għandu minkejja d-dispożizzjonijiet ta' l-artikolu 10 ta' l-Att prinċipali jiddeċiedi wkoll dwar l-ispejjeż inkorsi quddiem il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex). F'każ bħal dak il-kawża quddiem il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex) għandha tiġi intaxxata bħala ċeduta.

(2) L-emenda maghmula bl-artikolu 3 ta' dan l-Att ghandha tapplika biss ghal talbiet maghmula quddiem it-Tribunal wara l-bidu fis-sehh ta' dan l-Att.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 218 tat-22 ta' Mejju, 1998.

MYRIAM SPITERI DEBONO
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

UGO MIFSUD BONNICI
President

26th May, 1998

ACT No. XII of 1998

AN ACT to amend the Small Claims Tribunal Act

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.

Act No. V of 1995.

1. (1) This Act may be cited as the Small Claims Tribunal (Amendment) Act, 1998, and shall be read and construed as one with the Small Claims Tribunal Act, 1995, hereinafter referred to as “the principal Act”.

(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.

Amendment of section 3 of the principal Act.

2. Section 3 of the principal Act shall be amended as follows:—

(a) in subsection (2) thereof, for the words “one hundred Maltese liri” there shall be substituted the words “two hundred and fifty Maltese liri”;

(b) in subsection (3) thereof, for paragraph (c) there shall be substituted the following:

“(c) If the claim is for capital and interest, the value is determined by the aggregate of all the capital sums claimed, and the Tribunal shall have jurisdiction over the claim notwithstanding that the capital and interest claimed in their aggregate exceed two hundred and fifty Maltese liri.”; and

(c) in subsection (5) thereof, for the words “one hundred Maltese liri” there shall be substituted the words “two hundred and fifty Maltese liri”.

3. For the words “fifty Maltese liri” in subsection (3) of section 10 of the principal Act there shall be substituted the words “one hundred Maltese liri”.

Amendment of section 10 of the principal Act.

4. For section 11 of the principal Act there shall be substituted the following new section:

Substitution of section 11 of the principal Act.

“Registry of the Tribunal.

11. (1) The Registry of the Court of Magistrates (Malta) or the Registry of the Court of Magistrates (Gozo), as the case may be, shall be the Registry of the Tribunal and all the records of the Tribunal shall be filed therein.

(2) The records of the Tribunal shall be accessible to all persons, and copies thereof shall be given on payment of the prescribed fee to any person on request.

(3) The acts of the Tribunal shall be deposited and kept in the archives of the Court of Magistrates (Malta) or in the archives of the Court of Magistrates (Gozo), as the case may be.”.

5. (1) Causes which on the coming into force of this Act are pending before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) shall continue to be heard and determined before the said Court unless all the parties in such cause agree that the said cause shall be decided by the Tribunal, in which case the acts shall be transmitted by the Registrar to the Tribunal which shall notwithstanding the provisions of section 10 of the principal Act also decide on the costs incurred before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo). In such case the cause before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo) shall be taxed as if the cause were withdrawn.

Transitory provision.

(2) The amendment made by section 3 of this Act shall apply only to claims made before the Tribunal after the coming into force of this Act.

Passed by the House of Representatives at Sitting No. 218 of the 22nd May, 1998.

MYRIAM SPITERI DEBONO
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives