L.N. 396 of 2003

CODE OF ORGANIZATION AND CIVIL PROCEDURE (CAP. 12)

The Civil Courts (Establishment of Sections) Order, 2003.

In virtue of the powers conferred by article 2 of the Code of Organisation and Civil Procedure the President of Malta has made the following Order:

Citation and coming into force.

1. (1) This Order may be cited as the Civil Court (Establishment of Sections) Order 2003.

(2) This Order shall come into force on the 16th December, 2003.

Civil Court to have three Sections.

2. There shall be three sections in the Civil Court to which shall be assigned, as provided by this Order, the category of cases, hitherto falling within the jurisdiction of the Civil Court (First Hall) and the Civil Court (Second Hall), or as may be assigned to the Civil Court by any law.

Designation of Sections.

3. The sections of the Civil Court shall be the Family Section, the Voluntary Jurisdiction Section and the General Jurisdiction Section.

Assignment of cases of the Civil Court (Family Section).

4. To the Civil Court (Family Section) shall be assigned those cases falling within the competence of the Civil Court and which relate to matters regulated by:

(a) Titles I, II and IV of Book First the Civil Code; Cap 16.

(b) the Maintenance Orders (Facilities for Enforcement) Ordinance; Cap 48.

(c) The Maintenance Orders (Reciprocal Enforcement) Act; Cap 242.

(d) The Marriage Act; and Cap 255.

(e) The Child Abduction and Child Custody Act. Cap 410.

Assignment of cases to the Civil Court (Voluntary Jurisdiction Section) Cap 16.

5. To the Civil Court (Voluntary Jurisdiction Section) shall be assigned applications falling within the Competence of the Civil Court and which relate to matters regulated by:

Cap 16.

(a) Titles III, V, VI and VII of Book First of the Civil Code; and

Cap 12.

(b) Part II of Book Second of the Code of Organisation and Civil Procedure.

Assignment of cases to the Civil Court (General Jurisdiction Section).

6. To the Civil Court (General Jurisdiction Section) shall be assigned all cases within the competence of the Civil Court and not assigned to the Family Section or the Voluntary Jurisdiction Section.

Registrar to assign cases.

7. Subject to any rules of court or to any regulation, cases shall be assigned to the different sections of the Civil Court by the Registrar in accordance with the category to which the case refers.

Chief Justice to determine Section in particular cases.

8. Where any dispute arises as to whether a case should be assigned to one section or another of the Civil Court, or where a case involves more than one category falling to be assigned to different sections of the Civil Court, the matter shall be referred to the Chief Justice who shall, *in camera*, determine the section to which the case shall be assigned. The determination by the Chief Justice shall be registered in the records of the case and shall be final.

Court of Magistrates (Gozo) in its Superior Jurisdiction.

9. Without prejudice to the provisions of article 54 of the Code of Organisation and Civil Procedure there shall be in the Court of Magistrates (Gozo), in its Superior Jurisdiction, two Sections to be styled respectively "The Family Section" and "The General Jurisdiction Section". To the Family Section shall be assigned cases falling within the competence of that Court in its Superior Jurisdiction and which are regulated by the provisions referred to in paragraphs (a) to (e) of article 4 of this Order, and to the General Jurisdiction Sections shall be assigned cases falling within the competence of the said Court in its Superior Jurisdiction which are not assigned to the Family Section or to which the said article 54 of the said Code does not apply. Articles 7 and 9 of this Order shall *mutatis mutandis* apply with respect to cases falling within the competence of the said Court in its Superior Jurisdiction with regard to the assignment of cases to the various Sections.

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