L.N 181 of 2006

JUDICIAL ACTIONS (VARIOUS MEASURES) ACT, 2005 (ACT NO. XXII of 2005)

Adaptation of Laws Regulations, 2006

IN EXERCISE of the powers conferred by article 76A of the Judicial Actions (Various Measures) Act, 2005, the Minister responsible for Justice has made the following regulations:

Citation and commencement.

1. (1) The title of these Regulations is the Adaptation of Laws Regulations, 2006.

(2) The provisions of these Regulations shall be deemed to have come into force on the 16th January, 2006.

Amendments to various laws.

2. The words and phrases referred to in the third column of the Schedule, which words and phrases occur in the provisions specified in the second column of the said Schedule, which provisions are to be found in the enactments referred to in the first column of the said Schedule, shall be amended in accordance with the amendments referred to in the fourth column of the said Schedule.

SCHEDULE

PART A - MAIN LEGISLATION

	ENACTMENT	PROVISION	WORD/PHRASE TO BE AMENDED	AMENDMENT
1.	**Marriage Legacies Law, Cap. 3.**	article 6(1)	"to take out a writ of summons in the Court of Appeal"	"to take out a sworn application in the Court of Appeal"
		article 6(2)	"Upon such writ of summons,"	"Upon such sworn application,"
		article 6(3)	"If the party taking out the summons"	"If the party taking out the sworn application"
		article 6(4)	"Where no such writ of summons"	"Where no such sworn application"
2.	**Code of Police Laws, Cap. 10.**	article 42(a)	"or any writ of summons"	"or any sworn application"
3.	**Code of Organization and Civil Procedure, Cap. 12.**	article 34	"commenced by writ of summons"	"commenced by a sworn application"
		article 170(1)	"appear to the writ of summons"	"appear to the sworn application"
		article 728(1)	"instituted by writ of summons or by application"	"instituted by sworn application"
		Schedule A, paragraph 2(1)	"application, writ of summons"	"sworn application"
		Schedule A, paragraph 2(2)	"application, writ of summons"	"sworn application"
4.	**Commercial Code, Cap. 13.**	article 484(2)	"upon a summons against the curators"	"upon a sworn application against the curators"
5.	**Maintenance Orders (Facilities for Enforcement) Ordinance, Cap. 48.**	article 5(1)	"such order as it might have made if a summons"	"such order as it might have made if a sworn application"
		article 5(3)	"duly served with a summons"	"duly served with a sworn application"
		article 6(1)	"that a writ of summons be issued by the Civil Court, First Hall, calling upon the person to show cause why that order should not be confirmed, and upon receipt of such documents and requisition, the court shall issue such writ of summons"	"that a sworn application be issued by the Civil Court, First Hall, calling upon the person to show cause why that order should not be confirmed, and upon receipt of such documents and requisition, the court shall issue such a sworn application"

	ENACTMENT	PROVISION	WORD/PHRASE TO BE AMENDED	AMENDMENT
		article 6(2)	"A writ of summons so issued"	"A sworn application so issued"
		article 6(3)	"on whom the writ of summons was served"	"on whom the sworn application was served"
		article 6(4)	"served with the writ of summons"	"served with the sworn application"
		article 6(5)	"whom the writ of summons was issued"	"whom the sworn application was issued"
6.	**Notarial Profession and Notarial Archives Act, Cap. 55.**	article 109	"of the archivist by writ of summons,"	"of the archivist by sworn application,"
		article 113(2)	"to the service of summonses in connection with,"	"to the service of applications in connection with,"
7.	**Land Acquisition (Public Purposes) Ordinance, Cap. 88.**	article 26	"to bring it forward by writ of summons"	"to bring it forward by sworn application"
8.	**Motor Vehicles Insurance (Third-Party Risks) Ordinance, Cap. 104.**	article 10(6)	"the date on which a writ of summons"	"the date on which a sworn application"
9.	**Bearer Accounts Levy Act, Cap. 219.**	article 8(5)	"by writ of summons in the Civil Court,"	"by sworn application in the Civil Court,"
10.	**Merchant Shipping Act, Cap. 234.**	article 37(1)	"on a demand by writ of summons"	"on a demand by a sworn application"
		article 37(2)	"The writ of summons shall,"	"The sworn application shall,"
11.	**Local Councils Act, Cap. 363.**	regulation 22(5) of the Third Schedule	"to the Court of Appeal by writ of summons filed in contestation with the commissioners not later than twenty four hours after the Commission has communicated its decision to the candidates and the Court of Appeal shall deal with such writ of summons with the utmost urgency"	"to the Court of Appeal by sworn application filed in contestation with the commissioners not later than twenty four hours after the Commission has communicated its decision to the candidates and the Court of Appeal shall deal with such sworn application with the utmost urgency"

	ENACTMENT	PROVISION	WORD/PHRASE TO BE AMENDED	AMENDMENT
12.	**Duty on Documents and Transfers Act, Cap. 364.**	article 66(2)	"by writ of summons"	"by sworn application"
13.	**Companies Act, Cap. 386.**	article 21(2)	"may object thereto by writ of summons"	"may object thereto by sworn application"
		article 22(1)	"to such extension by writ of summons"	"to such extension by application"
		article 23	"of any writ of summons"	"of any application"
		article 32(3)	"by writ of summons"	"by application"
		article 38(1)	"on a demand by writ of summons"	"on a demand by application"
		article 48(2)	"by writ of summons"	"by application"
		article 66(12)(b)	"is lodged by writ of summons"	"is lodged by application"
		first proviso to article 83(1)	"by writ of summons"	"by application"
		article 83(2)	"any writ of summons"	"any application"
		article 98(1)	"by writ of summons"	"by application"
		proviso to article 98(2)	"by writ of summons"	"by application"
		article 116(1)	"may by writ of summons"	"may by application"
		article 116(3)	"writ of summons filed under subarticle (1) and of any judgment given thereon to be served on the Registrar for registration, and the said writ of summons shall, on pain of nullity, include a demand to that effect."	"application filed under subarticle (1) and of any judgment given thereon to be served on the Registrar for registration, and the said application shall, on pain of nullity, include a demand to that effect."
		article 334(2)	"may by writ of summons"	"may by application"
		article 334(3)	"by means of a writ of summons"	"by means of an application"
		article 341(2)	"may by writ of summons"	"may by application"
		article 341(3)	"by means of a writ of summons"	"by means of an application"
		article 351(2)	"by writ of summons"	"by application"
		article 368(2)	"by writ of summons,"	"by application,"
14.	**Condominium Act, Cap. 398.**	article 17(3)	"If the writ of summons,"	"If the sworn application,"
15.	**Value Added Tax Act, Cap. 406.**	article 65(2)	"by means of writ of summons"	"by means of application"
16.	**Trademarks Act, Cap. 416.**	article 14(1)	"by writ of summons"	"by application"
		article 19(1)	"by writ of summons"	"by application"
		article 20	"by writ of summons"	"by application"
		article 42(4)	"by writ of summons"	"by application"
		article 43(3)	"by writ of summons"	"by application"

	ENACTMENT	PROVISION	WORD/PHRASE TO BE AMENDED	AMENDMENT
		article 54(2)	"by writ of summons"	"by application"
17.	**Patents and Designs Act, Cap. 417.**	article 39(1)	"on a writ of summons"	"on an application"
		article 39(5)	"by writ of summons"	"by application"
		article 39(8)	"on a writ of summons"	"on an application"
		article 40(3)	"by writ of summons"	"by application"
		article 44(1)	"on a writ of summons"	"on an application"
		article 99(2)	"by writ of summons"	"by application"
		article 103(2)	"by writ of summons"	"by application"
		article 115(1)	"by writ of summons"	"by application"
		article 116(1)	"by writ of summons"	"by application"
18.	**Reversion of Certain Lands Act, Cap. 432.**	article 4(2)	"by writ of summons"	"by application"
19.	**Data Protection Act, Cap. 440.**	article 46(1)	"by writ of summons"	"by application"
20.	**Administration of Lands Act, Cap. 448.**	article 6(1)	"by writ of summons"	"by application"
21.	**Special Funds (Regulation) Act, Cap. 450.**	article 34(2)(e)	"by writ of summons"	"by application"

PART B - SUBSIDIARY LEGISLATION

1.	**Court Practice and Procedure Rules, S.L. 12.09.**	rule 11(6)	"together with the writ of summons and the note of pleas respectively shall file a declaration confirmed on oath containing a clear and detailed statement of the facts to prove what is alleged in the writ of summons or the note of pleas."	"together with the application and the reply respectively shall file a declaration confirmed on oath containing a clear and detailed statement of the facts to prove what is alleged in the application or the note of pleas."
2.	**Service of Judicial Acts by Post Rules, S.L. 12.12.**	rule 3(2)(c)	"writs of summons; and"	"applications; and"
3.	**Service (Writ of Summons and Other Documents attached thereto) Regulations, S.L. 12.18.**	title	"Service (Writ of Summons and Other Documents attached thereto) Regulations"	"Service (Application and Other Documents attached thereto) Regulations"

	ENACTMENT	PROVISION	WORD/PHRASE TO BE AMENDED	AMENDMENT
		regulation 1	"Service (Writ of Summons and Other Documents attached thereto) Regulations"	"Service (Application and Other Documents attached thereto) Regulations"
		marginal note to regulation 2	"Service of writ of summons and other documents attached thereto."	"Service of application and other documents attached thereto."
		regulation 2	"of a copy of any writ of summons, declaration, affidavit of the plaintiff and other documents attached to a writ of summons shall be effected through the registrar"	"of a copy of any application, declaration, affidavit of the plaintiff and other documents attached to an application shall be effected through the registrar"
4.	**The Civil Court (Family Section), The First Hall of the Civil Court and The Court of Magistrates (Gozo) (Superior Jurisdiction) (Family Section) Regulations, S.L.12.20.**	regulation 13	"application or writ of summons, shall on the coming into force of these regulations take cognizance of those acts, applications or writ of summons that immediately before the coming into force of these Regulations or that Order were pending before the First Hall of the Civil Court, the Second Hall of the Civil Court and the Court of Magistrates (Gozo) (Superior Jurisdiction), and this according to the jurisdiction of each of those sections in accordance with these Regulations and that Order, so however that notwithstanding anything in these Regulations or that Order, the procedures to be followed in respect of each act, application or writ of summons filed before the date of the coming into force of these Regulations or of that Order,"	"application or sworn application, shall on the coming into force of these regulations take cognizance of those acts or applications that immediately before the coming into force of these Regulations or that Order were pending before the First Hall of the Civil Court, the Second Hall of the Civil Court and the Court of Magistrates (Gozo) (Superior Jurisdiction), and this according to the jurisdiction of each of those sections in accordance with these Regulations and that Order, so however that notwithstanding anything in these Regulations or that Order, the procedures to be followed in respect of each act or application filed before the date of the coming into force of these Regulations or of that Order,"
5.	**Goldsmiths and Silversmiths Regulations, S.L.46.01.**	regulation 15	"by a writ of summons before the competent court"	"by an application before the competent court"

	ENACTMENT	PROVISION	WORD/PHRASE TO BE AMENDED	AMENDMENT
6.	**Merchant Shipping (Shipping Organisations - Private Companies) Regulations, S.L. 234.42.**	first proviso to regulation 24(1)	"by writ of summons"	"by application"
		regulation 24(2)	"any writ of summons"	"any application"
		regulation 32(1)	"by writ of summons"	"by application"
		regulation 32(3)	"any writ of summons filed under subregulation (1) and of any judgment given thereon to be served on the Registrar for registration, and the said writ of summons shall,"	"any application filed under subregulation (1) and of any judgment given thereon to be served on the Registrar for registration, and the said application shall,"
7.	**Continuation of Companies Regulations, S.L. 386.05.**	regulation 15(2)	"by writ of summons"	"by application"