

I assent.

(L.S.)

UGO MIFSUD BONNICI
President

16th February, 1996

ACT No. IV of 1996

*AN ACT to further amend the Code of Organization and Civil Procedure,
Cap. 12.*

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:—

1. This Act may be cited at the Code of Organization and Civil Procedure (Amendment) Act, 1996, and shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter referred to as “the Code”. Short title.
Cap. 12.

2. For the marginal note to section 97B of the Code there shall be substituted the following: Amendment of
section 97B
of the Code.

(a) the marginal note “Oath of Office” next to subsection (1); and

(b) the marginal note “Challenge” next to subsection (2).

Amendment of
section 152
of the Code.

3. In subsection (1) of section 152 of the Code, for the words “for the hearing of the cause:” there shall be substituted the words “for the hearing of the cause, which day shall be as soon as possible but not later than six months after the filing of the application for appeal:”.

Amendment of
section 229
of the Code.

4. Section 229 of the Code shall be amended as follows:

(a) for the words “other decree” in subsection (3) thereof, there shall be substituted the words “other interlocutory decree”; and

(b) immediately after subsection (9) thereof there shall be added the following subsection:

“(10) Where an interlocutory decree has been given *in camera*, it shall for the purposes of this section and for the purposes of the calculation of any time therein established be deemed to have been read out in open court on the date of the first sitting in the case immediately after the decree was given *in camera* by the court.”.

Amendment of
section 283A
of the Code.

5. For the words “who shall not later than the day” in subsection (3) of section 283A of the Code, there shall be substituted the words “who may not later than the day”.

Amendment of
section 314
of the Code.

6. For subsection (2) of section 314 of the Code there shall be substituted the following:

“(2) (a) The Court shall order such advertisement to be published in the Gazette.

(b) The Court shall also order such advertisement to be published in one or more daily newspapers in the case of:—

(i) immovable property; or

(ii) rights annexed to immovable property; or

(iii) movable property consisting of gold or silver articles, pearls, precious stones or other movables, the value of which exceeds five hundred liri; or

(iv) a going concern; or

(v) ships or other vessels; or

(vi) aircraft; or

(vii) securities listed in the Stock Exchange under the Stock Exchange Act; or

(viii) insurance policies; or

(ix) any other object other than the above where the court deems it expedient so to do.”.

7. In subsection (2) of section 327 of the Code, for the words “to publish a fresh advertisement in the Gazette and in a daily newspaper which shall specify that” there shall be substituted the words “to comply with the requirements set out in subsection (2) of section 314 and to specify that”.

Amendment of
section 327
of the Code.

8. In subsection (3) of section 469A of the Code for the words “under subsection (1)” there shall be inserted the words “under paragraph (b) of subsection (1)”.

Amendment of
section 469A
of the Code.

9. In the English text of section 857 of the Code, for the words “ship of other vessel” there shall be substituted the words “ship or other vessel”.

Amendment of
section 857
of the Code.

10. In the Maltese text of subsection (4) of section 877 of the Code for the words “u/jew” there shall be substituted the word “jew”.

Amendment of
section 877
of the Code.

11. In the Maltese text of subsection (1) of section 894 of the Code, for the words “joqghod jew numru tal-karta ta’ identità” there shall be substituted the words “joqghod u numru tal-karta ta’ identità”.

Amendment of
section 894
of the Code.

12. In paragraph (b) in section 912 of the Code, for the words “amounts to a sum of not more than three thousand liri” there shall be substituted the words “amounts to, or exceeds, three thousand liri”.

Amendment of
section 912
of the Code.

13. For subsection (5) of section 963 of the Code, there shall be substituted the following:

Amendment of
section 963
of the Code.

“(5) Saving the provisions of subsection (2) of section 732, the causes the written pleadings whereof are not closed within the said time shall:

(a) where the cause is before a court of first instance be deemed to be a cause which has been set down for hearing and subsequently by order of the Court, adjourned to an unspecified date, and the provisions of sections 964 to 967 of this Code shall apply thereto; and

(b) where the cause is before a court of second instance, be deemed to be deserted.”.

Amendment of
section 1003A
of the Code.

14. In section 1003A of the Code for the words “In any proceedings for contempt” there shall be substituted the words “Subject to the provisions of this title, in any proceedings for contempt”.

Amendment of
section 1008
of the Code.

15. In section 1008 of the Code, for the words “Where under this Code” there shall be substituted the words “Without prejudice to the provisions of section 1009, where under this Code”, and the words “, not exceeding the cost of the form” shall be deleted.

Amendment of
the Code of
Organization and
Civil Procedure
(Amendment) Act,
1995.
(Act No. XXIV of
1995).

16. In the English text of paragraph (b) of subsection (1) in paragraph (a) of section 76 of the Code of Organization and Civil Procedure (Amendment) Act, 1995, for the words “rural tenement” there shall be substituted the words “urban or rural tenement”.

Transitory
provision.

17. The provisions of this Act shall not apply to any matter which between the 1st October, 1995 and the enactment thereof, has become *res judicata*.

Passed by the House of Representatives at Sitting No. 507 of the 12th February, 1996.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives.