L.N. 122 of 1996

CODE OF ORGANIZATION AND CIVIL PROCEDURE (CAP. 12)

Code of Organization and Civil Procedure (Schedules) (Amendment) Regulations, 1996

IN exercise of the powers conferred by sections 1004 and 1007 of the Code of Organization and Civil Procedure, the Minister of Justice and the Arts, with the concurrence of the Minister of Finance, has made the following regulations:—

Citation and commencement.

1. (1) These regulations may be cited as the Code of Organization and Civil Procedure (Schedules) (Amendment) Regulations, 1996, and shall be read and construed as one with Schedules A and B of the Code of Organization and Civil Procedure, hereinafter referred to as "the Code".

(2) These regulations shall come in force on the 1st July, 1996.

Amends Schedule A of the Code.

2. The following new tariff shall be added immediately after Tariff L of Schedule A of the Code:—

"TARIFF M

Registry Fees payable in connection with Judicial Assistants

1. For the administration of an affidavit by a Judicial Assistant	Lm0.50,0
2. (a) For examining witnesses, for taking in writing of an affidavit, for each sitting before a Judicial Assistant	Lm3.00,0
(b) If the sitting lasts for more than two hours and provided that the circumstance is expressly noted in the *procés-verbal* signed by the Judicial Assistant, the fee shall be increased by Lm1 for each hour or part thereof	

3. For the transmission of records abroad besides the expenses incurred by the Registry ...

4. For any other service the fees shall be those established in accordance with the other Tariffs of this Schedule.".

Amends Schedule B of the Code.

3. The following new forms shall be added after Form No. 25 of Schedule B of the Code:—

"No. 26.
Court order to perform
the function of Judicial Assistant

REPUBLIC OF MALTA

To Doctor of Laws .....Judicial Assistant.

Whereas it is required that in a cause before the *(insert name of Court)* ..... Summons No. .....
between plaintiff .....
and defendant .....
it is necessary to appoint a Judicial Assistant therein and in particular to:

*(a) ascertain and establish the issues of fact or of law involved in the cause, as well as the issues of fact or of law on which the parties agree, and to endeavour to induce the parties to reach an agreement on the issues involved in the cause, and to make a report thereof to the said Court;

*(b) take the testimony of any person that is produced as a witness;

*(c) take any affidavit on any matter;

*(d) receive documents produced with any testimony, affidavit or declaration, including in particular a testimony, affidavit or declaration as is referred to in the Code or Organization and Civil Procedure;

*(e) .....
.....

You are, therefore, hereby ordered that in terms of the provisions of section 97A of the Code of Organization and Civil Procedure, you will perform the functions of Judicial Assistant in the aforementioned cause with all the powers given to you by law, and in such manner that a first sittingshould be held on the .....
..... day of .....19.....at.....
a.m./p.m. at ..... and that you will thereafter file before this Court your report and the evidence received, if any, by not later than the date of the first sitting before this same Court.

.....
Judge of the said Court

This .....day of ..... 19 .....

*Strike out where not applicable

No. 27.
Notice of hearing of
proceedings/evidence
before a Judicial Assistant

REPUBLIC OF MALTA

To .....Marshal of the Courts.

Whereas in a cause before the *(insert name of Court)* ....Summons No: .....
between plaintiff .....
and defendant .....
the Court has appointed Doctor of Laws .....
to perform the functions of a Judicial Assistant therein and in particular to:

*(a) ascertain and establish the issues of fact or of law involved in the cause, as well as the issues of fact or of law on which the parties agree, and to endeavour to induce the parties to reach an agreement on the issues involved in the cause, and to make a report thereof to the said Court;

*(b) take the testimony of any person that is produced as a witness;

*(c) take any affidavit on any matter;

*(d) receive documents produced with any testimony, affidavit or declaration, including in particular a testimony, affidavit or declaration as is referred to in the Code of Organization and Civil Procedure;

*(e) .....
.....

And whereas the said Court has appointed the .....
day of ..... 19..... at .....a.m./p.m.
for the hearing of proceedings/evidence at .....
before the above stated Judicial Assistant;

*Strike out where not applicable

Wherefore you are ordered that by the delivery of a copy hereof both to the aforesaid plaintiff and defendant or their agent, according to law, you summon them to appear on the day and at the place and time aforesaid before the above stated Judicial Assistant, on which day the proceedings/evidence will be heard and a report thereon made to the Court.

You are further ordered to warn in the same manner the aforesaid plaintiff and defendant that, should they fail to appear on the day, at the place and time aforesaid, or on any subsequent day as may be determined by the said Judicial Assistant, a report thereof shall be made to the said court which shall take such action thereon according to law.

And after execution, or upon your meeting with any obstacle in the said service, you shall report forthwith to the above mentioned Judicial Assistant.

.....
Doctor of Laws
Judicial Assistant
of the said Court

This .....day of ..... 19 .....

No. 28.
A Summons Order
given by a
Judicial Assistant

REPUBLIC OF MALTA

In *(here insert name of Court)*

Summons No: .....
pending before Doctor of Laws
.....
a Judicial Assistant, in the cause:
.....
.....
vs.
.....
.....

To the witness: .....
Address: .....

By virtue of the powers given to me by subsection (4) of section 97A of the Code of Organization and Civil Procedure, you are hereby being ordered to appear before me on the day and at the place and time hereunder mentioned to give evidence in the aforementioned cause:

Date and time: .....
Place where to attend: .....
.....
Documents to be produced: .....
.....
.....

You are hereby warned that should you fail to appear on the day and at the time and place hereabove mentioned, you may be liable to the penalties established for contempt of court, and you may be compelled to appear before me by an order of escort or of arrest, and you shall be liable to all the other consequences to which, according to the Code of Organization and Civil Procedure, you may be liable for such disobedience.

.....
Doctor of Laws
Judicial Assistant
of the said Court

This .....day of ..... 19 .....

No. 29.
A Subpoena order
Ad Testificandum and
Duces Tecum before a
Judicial Assistant

In *(here insert name of Court)*

Summons No: .....
pending before Doctor of Laws
.....
a Judicial Assistant, in the cause:
.....
.....
vs.
.....
.....

Application of .....

Respectfully requests the issue of a subpoena order in the above stated cause against the person mentioned hereunder to attend for the sitting and at the time stated hereunder, and to bring with him the documents hereunder mentioned:

Person summoned to attend as witness: .....
Address: .....
.....
Date, time and place where witness is to attend: .....
.....
Documents to be brought by witness: .....
.....
.....
.....

Advocate: .....
Legal Procurator: .....

This .....day of ..... 19 .....

Filed by .....

.....

(Registrar's signature)

B 1218

REPUBLIC OF MALTA

AN ORDER MADE BY THE JUDICIAL ASSISTANT

To the witness/witnesses whose name/s appear/s in the application

By virtue of the powers given to me by subsection (4) of section 97A of the Code of Organization and Civil Procedure, I am hereby ordering each person whose name appears as a witness in the application to appear before me on the day and at the place and time mentioned therein to give evidence in the cause mentioned therein.

Each witness is hereby being warned that should he fail to appear on the day and at the time and place mentioned therein, he may be compelled to appear before me by an order of escort or of arrest, and he shall be liable to all the other consequences to which, according to the Code of Organization and Civil Procedure, he may be liable for such disobedience.

.....
Doctor of Laws
Judicial Assistant

This .....day of ..... 19 .....

No. 30.
Escort Order issued by
a Judicial Assistant against
a person failing to attend
on subpoena

REPUBLIC OF MALTA

AN ORDER MADE BY A JUDICIAL ASSISTANT

In *(here insert name of Court)*

Summons No: .....
pending before Doctor of Laws
.....
a Judicial Assistant, in the cause:
.....
.....
vs.
.....
.....

To ..... Marshal of the Courts.

Whereas it had been ordered by me on the .....
that .....
should attend before me as a witness on the day and at the place mentioned in the order;

And whereas the same person has filed to attend as ordered;

Wherefore, after having seen the provisions of subsection (4) of section 97A of the Code of Organization and Civil Procedure, I am hereby ordering you to bring before me the said person, and to keep him/her until he/she shall give his/her evidence, at the place and time mentioned hereunder, or until I shall give you another order.

Date and time: .....
Place where witness is to attend: .....
.....
Documents to be brought by witness: .....
.....
.....
.....

.....
Doctor of Laws
Judicial Assistant

This .....day of ..... 19 .....
Address of witness: .....
.....".

Revocation of L.N. 1 of 1986.

4. The Judicial Assistants and Evidence by Affidavit (Fees and Forms) Regulations, 1986 are hereby revoked.

Ippubblikat mid-Dipartiment ta' l-Informazzjoni — Kastilja — *Published by the Department of Information — Kastilja*
Mitbugh fl-Istamperija tal-Gvern — *Printed at the Government Printing Press*

Prezz 10c – *Price 10c*