

L.N. 372 of 2011**CODE OF ORGANIZATION AND CIVIL PROCEDURE
(CAP. 12)****Code of Organization and Civil Procedure
(Amendment of Schedule B) Regulations, 2011**

IN EXERCISE of the powers conferred by article 1007(3) of the Code of Organization and Civil Procedure, the Minister for Justice and Home Affairs has made the following regulations:-

Citation and
commencement.

Cap. 12

1. (1) The title of these regulations is the Code of Organization and Civil Procedure (Amendment of Schedule B) Regulations, 2011, and these regulations shall be read and construed as one with Schedule B to the Code of Organization and Civil Procedure, hereinafter referred to as "Schedule B".

(2) These regulations shall come into force on the 1st October, 2011.

Amends
Schedule B to
the Code of
Organization
and Civil
Procedure.

2. Schedule B shall be amended as follows:

(a) immediately after Form No. 22, there shall be added the following new form:

"No. 22A

Warrant of Prohibitory
Injunction in cases of divorce
restraining the other spouse.

In (*here insert name of Court*)

(Applicant)

.....

versus

(Respondent)

.....

Application of

Respectfully sheweth and confirms on oath: -

That the applicant (*here insert "has brought" or "intends to bring"*) before the court of contentious jurisdiction a suit for divorce;

That in order to secure his rights the applicant desires the court to issue a warrant of prohibitory injunction against the respondent:

- (a) restraining the said respondent from selling, alienating, transferring or disposing *inter vivos* whether by onerous or gratuitous title any shareholding in any commercial partnership if such shareholding is comprised in the community of acquests, and in particular (*here insert particulars of the commercial partnership/s*); and
- (b) restraining the respondent from contracting any debt or suretyship which is a charge on the community of acquests; Wherefore, the applicant respectfully requests that this Court orders the issue of the relative warrant of prohibitory injunction against the respondent.

Advocate

Legal Procurator

This, day of 20

Confirmed on oath before me, after I have read to him the contents, and in the presence of witness to identity, and filed by

(*Registrar's signature*)

No. 22A

Warrant of Prohibitory
Injunction in cases of divorce
restraining the other spouse.

REPUBLIC OF MALTA

COURT WARRANT

To

Marshal of the Courts

WHEREAS the attached application has been filed and it contains the elements required according to law for the issue of the orders herein contained;

You are, therefore, on the said application, hereby ordered that, by delivering a copy of this warrant to respondent, you shall restrain such respondent from selling, alienating, transferring or disposing *inter vivos* by onerous or gratuitous title any shareholding in any commercial partnership if such shareholding is comprised in the community of acquests, and from contracting any debt or suretyship which is a charge on the community of acquests;

You are enjoined to notify the respondent that this warrant does not apply to the constitution of any right on, or alienation or transfer of, any property made pursuant to a court order;

You are further ordered to execute this warrant forthwith and to restrain the respondent from carrying out those things mentioned in the said application which are prejudicial to the applicant, under the penalties established for contempt of Court;

And, after execution, or upon meeting any obstacle in the execution hereof, you shall forthwith report to the Court.

Given by the name (*name of Court*)

and witnessed by

Doctor of Laws,

of this Court.

This, day of 20

0.23 cents";

and

(b) immediately after Form No. 23, there shall be added the following new form:

"No. 23A

Warrant of Prohibitory
Injunction in cases of
divorce restraining
a commercial partnership.

In (*here insert name of Court*)

(Applicant)

.....

versus

(Respondent)

.....

Application of

Respectfully sheweth and confirms on oath:

That the applicant (*insert here "has brought" or "intends to bring"*) before the court of contentious jurisdiction a suit for divorce;

That the respondent has a majority shareholding, pertaining to the community of acquests in the commercial partnership/s (*here insert particulars of the commercial partnership/s*);

That in order to secure his rights, the applicant desires the Court to issue against the said commercial partnership/s a warrant of prohibitory injunction restraining it/them from selling, alienating, transferring or otherwise disposing by onerous or gratuitous title, any immovable property or rights annexed thereto owned by the commercial partnership/s, and in particular (*here insert particulars of immovables as required by the Public Registry Act*)

Wherefore, the applicant respectfully requests that this Court orders the issue of a warrant of prohibitory injunction against the said commercial partnership/s.

Advocate

Legal Procurator

This, day of 20

Confirmed on oath before me, after I have read to him the contents, and in the presence of witness to identity, and filed by

(*Registrar's signature*)

No. 23A

Warrant of Prohibitory
Injunction in cases of divorce
restraining a commercial partnership.

REPUBLIC OF MALTA

COURT WARRANT

To

Marshal of the Courts

WHEREAS the attached application has been filed and it contains the elements required according to law for the issue of the orders herein contained;

You are, therefore, in the said application, hereby ordered that, by delivering a copy of this warrant to (*here insert particulars of the commercial partnership/s*), you shall restrain the said commercial partnership/s from selling, alienating, transferring or otherwise disposing by onerous or gratuitous title, any immovable property or rights annexed thereto owned by the said commercial partnership/s;

You are enjoined to notify the respondent that this warrant does not apply to the constitution of any right on, or alienation or transfer of any property made pursuant to a court order;

You are further ordered to execute this warrant forthwith and to restrain the said commercial partnership/s from carrying out those things mentioned in the said application which are prejudicial to the applicant, under the penalties established for contempt of Court;

And, after execution, or upon meeting any obstacle in the execution hereof, you shall forthwith report to the Court.

Given by the (*name of Court*)

and witnessed by

Doctor of Laws,

of this Court

This, day of 20

0.23 cents".

VERŻJONI ELETTRONIKA

