

L.N. 190 of 1995

**CODE OF ORGANIZATION AND CIVIL PROCEDURE
(CAP. 12)**

**Code of Organization and Civil Procedure
(Schedule B) (Amendment) Regulations, 1995**

IN exercise of the powers conferred by subsection (3) of section 1007 of the Code of Organization and Civil Procedure, the Minister of Justice and the Arts has made the following regulations:—

1. (1) These regulations may be cited as the Code of Organization and Civil Procedure (Schedule B) (Amendment) Regulations, 1995, and shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter referred to as “the Code”. Citation and commencement.
Cap. 12.

(2) These regulations shall come into force on the 1st January, 1996.

2. Schedule B of the Code shall be amended as follows:— Amends
Schedule B
of the Code.

(a) Form No. 3 shall be amended as follows:

(i) the words “In (*here insert name of Court*)” shall be substituted by the words “In the Civil Court, First Hall”;

(ii) the words from “value of” to “sixty-five liri.” shall be substituted by the words “net value whereof amounts to a sum of not more than three thousand liri not including everyday household items that are considered reasonably necessary for the use by applicant and his family, and that his yearly income is not more than the national minimum wage established for persons of eighteen years and over; and that in calculating the said net asset value, no account has been taken of the principal residence of the applicant or of any other property, immovable or movable, which forms the subject matter of court proceedings, even though such other property is not the subject-matter of the proceedings in respect of which legal aid is being applied for; and that in calculating the income, the period of computation has been calculated at the twelve months’ period prior to the demand for the benefit of legal aid.”;

(b) the words “by a libel” in Form No. 5 shall be substituted by the words “by an application”;

(c) Form No. 6 shall be amended as follows:

(i) the words “IN THE COMMERCIAL COURT” shall be deleted; and

(ii) the words “IN THE GOZO SUPERIOR COURTS” shall be substituted by the words “IN THE COURT OF MAGISTRATES (GOZO) SUPERIOR JURISDICTION”;

(d) Forms No. 7, No. 8, No. 9 and No. 10 shall be deleted;

(e) the words “Deputy Registrar” in Forms No. 12/13, No. 19, No. 23, No. 24, No. 26 and No. 28 shall be substituted by the words “(*Registrar's signature*)”;

(f) Forms No. 16, No. 17, No. 21 and No. 22 shall be deleted;

(g) Forms No. 11, 12/13, 14, 15, 18, 19, 20, 23, 24, 25, 26, 27 and 28 shall be re-numbered as Forms No. 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 respectively; and

(h) the following new forms shall be added after Form No. 19 as re-numbered:

No. 20
Warrant of Description

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 to proceed to the place mentioned in the application and that, by delivering a copy of this warrant to the said respondent, you shall describe all the movable things in detail stating the number and quality thereof;

You are further ordered to enjoin the respondent to continue to keep in his custody the movable property so described and to warn him that he is responsible for their safe keeping, 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 19

"No. 21
Warrant of Prohibitory Injunction

In (here insert name of Court)

(Applicant)

versus

(Respondent)

Application of

Respectfully sheweth and confirms on oath:—

That the applicant has an interest that his rights be secured;

That the applicant, in order to secure his rights, desires to restrain respondent from (*here insert the acts to be restrained*)

That the applicant would be prejudiced if respondent is not so restrained;

Wherefore, the applicant respectfully requests that this Court orders the issue of a warrant of prohibitory injunction restraining him form the acts above-mentioned.

Advocate

Legal Procurator

This, day of 19

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. 22
Warrant of Prohibitory Injunction
in cases of personal separation
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 the 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 of Court*)
and witnessed by

Doctor of Laws,
of this Court.

This, day of 19

No. 23

Warrant of Prohibitory Injunction
in cases of personal separation
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, on 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 19

No. 24
Warrant of Prohibitory Injunction
restraining a
person from taking a
minor outside Malta

In (*here insert name of Court*)

(Applicant)
.....
versus
(Respondent)
.....

Application of

Respectfully sheweth and confirms on oath:—

That the applicant has an interest that the minor, hereinafter indicated, be not taken outside Malta;

That the respondent/s is/are the persons having, or who might have, the legal or actual custody of the said minor;

Wherefore, the applicant respectfully requests that this Court orders the issue of a warrant of prohibitory injunction against the respondent/s enjoining him/them not to take, or allow anybody to take, the said minor out of Malta;

Particulars of the minor: (*here insert the name and surname of the minor and any other particulars, including the date and place of birth and the names of the parents for establishing the identity of the minor*)

Advocate

Legal Procurator

This, day of 19

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. 24

Warrant of Prohibitory Injunction
restraining a person from
taking a minor outside Malta

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 delivery a copy of this warrant to the respondent/s, you shall restrain the respondent/s not to take, or allow anyone to take, the said minor out of Malta, under the penalties for contempt of Court;

You are further ordered to enjoin, by the delivery of a copy hereof, the officer entrusted with the delivery of passports not to issue or deliver any passport in respect of the said minor and not to include the name of the minor in the passport of the minor's legal representatives or in the passport of any other person, and, if before the service of this warrant on the officer charged with the issue of passports, a passport in respect of the minor has already been issued or the name of the minor has already been included in the passport of another person, to enjoin such officer to take the necessary steps to withdraw the passport in respect of the minor, and of any other passport which includes the name of the minor, and to delete the name of the minor from such passport, under the said penalty, and to enjoin, by delivery of another copy hereof, the Commissioner of Police not allow the said minor to leave Malta, under the said penalty;

Lastly, you are notified that this warrant shall, in default of further orders of this Court, cease to have effect in one year's time from this day;

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 19

No. 25
Warrant of Prohibitory Injunction
(claim exceeding Lm4,000)

In (*here insert name of Court*)

(Applicant)
.....
versus
(Respondent)
.....

Application of

Respectfully sheweth and confirms on oath:—

That the applicant, in order to secure his credit mentioned against the respondent, respectfully requests that this Court orders the issue of a warrant of prohibitory injunction against respondent restraining him from selling, alienating, transferring or disposing *inter vivos* whether by onerous or gratuitous title any property, 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 the relative warrant of prohibitory injunction against the respondent.

Credit:

Title:

Advocate

Legal Procurator

This, day of 19

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. 25
Warrant of Prohibitory Injunction
(claim exceeding Lm4,000)

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 the respondent, you shall restrain such respondent from selling, alienating, transferring or disposing *inter vivos* by onerous or gratuitous title any property;

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 of Court*)
and witnessed by

Doctor of Laws,
of this Court.

This, day of 19 ”.