

B 1358

L.N. 158 of 2012**CODE OF ORGANIZATION AND CIVIL PROCEDURE
(CAP. 12)****Code of Organization and Civil Procedure (Schedule B)
(Amendment) Regulations, 2012**

IN exercise of the powers conferred by article 1007 of the Code of Organization and Civil Procedure, the Minister for Justice, Dialogue and the Family, with the concurrence of the Minister of Finance, the Economy and Investment, has made the following regulations:-

Title and
commencement.

Cap. 12.

Addition of new
forms to the
Schedule.

1. The title of these regulations is the Code of Organization and Civil Procedure (Schedule B) (Amendment) Regulations, 2012 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 "the Schedule".

2. Immediately after Form 33 of the Schedule there shall be added the following new forms:

"Form No. 34

Warrant of Arrest of an Aircraft

in security of a debt or any other claim

amounting to not less than seven thousand euro**(PRECAUTIONARY)**

Before Warrant No.

Applicant

.....

.....

vs

Respondent

.....

.....

Application of

It is being respectfully submitted and confirmed on oath by

.....:-

That the applicant seeks to safeguard a debt or a claim, whether in personam or in rem, which could be frustrated by the departure of the aircraft indicated in this warrant;

That the claim or debt is the following:-

That the details of the said aircraft are the following:-

- Name:-

- Identification details of the aircraft

1.

.....

2.

.....

3.

.....

4.

.....

- Place where the said aircraft is to be found

- Authority: Authority for Transport in Malta

B 1360

That by the departure of the said aircraft from Malta, the debt or claim of the applicant may be evaded;

Therefore, the applicant respectfully requests that this Court orders the issue of a Warrant of Arrest of an Aircraft against the said aircraft for the herein mentioned credit and for the costs of this procedure.

.....
Advocate

.....
Legal Procurator

Confirmed on oath before me after having read to him/her the contents, and filed by:-

Form No. 34

Warrant of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than seven thousand euro
(PRECAUTIONARY)

Court Order

Republic of Malta

Warrant No

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the Warrant of Arrest of an Aircraft;

The Court thus:-

Orders the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the aircraft against which such warrant is being issued, to seize the aircraft and not release such aircraft or allow the debtor to divest himself in any way of the same in whole or in part or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it on the executive officer of the authority which has in its hands or under its control the aircraft against which such warrant is being issued;

Orders the Executive Officer to serve a copy of the warrant on the person whose aircraft is arrested, the commander or other person in charge of such aircraft or the agent of such aircraft;

Orders the Executive Officer to take all necessary actions to ensure the execution of this warrant, including the seizure and removal of all travel documentation of the same aircraft.

Given by the Court

Today

B 1362

Form No. 35

EXECUTIVE WARRANT of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than seven thousand euro

Before Warrant No.
Applicant
.....
.....
vs
Respondent
.....
.....
Application of

It is being respectfully submitted and confirmed on oath by

.....:-

That the applicant is in possession of an executive title and wishes to enforce same on the aircraft hereunder indicated, the execution of which title could be frustrated by the departure of the aircraft indicated in this warrant;

That the executive title is the following:-

That the details of the said aircraft are the following:-

- Name:-
- Identification details of the aircraft
- 1.
.....
- 2.
.....
- 3.
.....
- 4.
.....
- Place where the said aircraft is to be found
- Authority: Authority for Transport in Malta

B 1363

Therefore, the applicant respectfully requests that this Court orders the issue of an Executive Warrant of Arrest of an Aircraft against the said aircraft for the herein mentioned credit and for the costs of this procedure and (1) order the sale of the said aircraft or (2) fix a time-limit within which the debtor is to pay the amount due.

.....
Advocate

.....
Legal Procurator

Confirmed on oath before me after having read to him/her the contents, and filed by:-

B 1364

Form No. 35

EXECUTIVE WARRANT of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than seven thousand euro

(Order for payment)

Court Order

Republic of Malta

Warrant No.

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the order herein contained;

The Court thus:-

Orders the debtor to pay the amount due as requested within days, and that the present warrant shall remain in force definitively until payment of the full amount is effected;

Orders the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the aircraft against which such warrant is being issued, to seize the aircraft and not release such aircraft or allow the debtor to divest himself in any way of the same in whole or in part or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it on the executive officer of the authority which has in its hands or under its control the aircraft against which such warrant is being issued;

Orders the Executive Officer to serve a copy of the warrant on the person whose aircraft is arrested, the commander or other person in charge of such aircraft or the agent of such aircraft;

Orders the Executive Officer to take all necessary actions to ensure the execution of this warrant, including the seizure and removal of all travel documentation of the same aircraft.

Given by the Court

Today

Form No. 35

EXECUTIVE WARRANT of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than seven thousand euro

*(Order of Judicial sale -
given after issuance of an Order for payment)*

Court Order

Republic of Malta

Warrant No

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the order herein contained;

The Court thus:-

Orders the sale by judicial auction of the said aircraft as indicated in the application;

Orders the Registrar to appoint experts in terms of article 89 of the Code of Organization and Civil Procedure (Cap. 12) as may be required;

Sets the day, time and place of the judicial sale as being the following:-

Orders the Registrar to notify this decree to the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the aircraft against which such warrant is being issued as well as on the person whose aircraft is arrested, the commander or other person in charge of the aircraft or the agent of such aircraft.

Given by the Court

Today

B 1366

Form No. 35

EXECUTIVE WARRANT of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than seven thousand euro

*(Order of Judicial sale -
without the issuance of an Order for payment)*

Court Order

Republic of Malta

Warrant No

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the order herein contained;

The Court thus:-

Orders the sale by judicial auction of the said aircraft as indicated in the application;

Orders the Registrar to appoint experts in terms of article 89 of the Code of Organization and Civil Procedure (Cap. 12) as may be required;

Orders that the appraisals of the expert/s are to be filed within days;

Orders the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the aircraft against which such warrant is being issued, to seize the aircraft and not release such aircraft or allow the debtor to divest himself in any way of the same in whole or in part or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it on the executive officer of the authority which has in its hands or under its control the aircraft against which such warrant is being issued;

Orders the Executive Officer to take all necessary actions to ensure the execution of this warrant, including the seizure and removal of all travel documentation of the same aircraft.

Sets the day, time and place of the judicial sale as being the following:-

Orders the Registrar to notify this decree to the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the aircraft against which such warrant is being issued as well as to the person whose aircraft is arrested, the commander or other person in charge of such aircraft or the agent of such aircraft.

Given by the Court

Today

Form No. 36

Warrant of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than one million euro
(PRECAUTIONARY)

Before Warrant No.
Applicant
.....
.....
vs
Respondent
.....
.....

Application of

It is being respectfully submitted and confirmed on oath by

.....:-

That the applicant seeks to safeguard a debt or a claim, whether in personam or in rem, which could be frustrated by the departure of the aircraft indicated in this warrant;

That the claim or debt is the following:-

That the details of the said aircraft are the following:-

- Name:-
- Identification details of the aircraft
- 1.
.....
- 2.
.....
- 3.
.....
- 4.
.....
- Place where the said aircraft is to be found
- Authority: Authority for Transport in Malta

B 1368

That by the departure of the said aircraft from Malta, the debt or claim of the applicant may be evaded;

Therefore, the applicant respectfully requests that this Court orders the issue of a Warrant of Arrest of an Aircraft against the said aircraft for the herein mentioned credit and for the costs of this procedure.

.....
Advocate

.....
Legal Procurator

Confirmed on oath before me after having read to him/her the contents, and filed by:-

Form No. 36

Warrant of Arrest of an Aircraft

in security of a debt or any other claim

amounting to not less than one million euro

(PRECAUTIONARY)

Court Order

Republic of Malta

Warrant No

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the Warrant of Arrest of an Aircraft;

The Court thus:-

Orders the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the aircraft against which such warrant is being issued, to seize the aircraft and not release such aircraft or allow the debtor to divest himself in any way of the same in whole or in part or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it on the executive officer of the authority which has in its hands or under its control the aircraft against which such warrant is being issued;

Orders the Executive Officer serve a copy of the warrant on the person whose aircraft is arrested, the commander or other person in charge of such aircraft or the agent of such aircraft;

Orders the Executive Officer to take all necessary actions to ensure the execution of this warrant, including the seizure and removal of all travel documentation of the same aircraft.

Given by the Court

Today

B 1370

Form No. 37

EXECUTIVE WARRANT of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than one million euro

Before

Warrant No.

Applicant

.....

.....

vs

Respondent

.....

.....

Application of

It is being respectfully submitted and confirmed on oath by

.....:-

That the applicant is in possession of an executive title and wishes to enforce same on the aircraft hereunder indicated, the execution of which title could be frustrated by the departure of the aircraft indicated in this warrant;

That the executive title is the following:-

That the details of the said aircraft are the following:-

- Name:-

- Identification details of the aircraft

1.

2.

3.

4.

- Place where the said aircraft is to be found

- Authority: Authority for Transport in Malta

Therefore, the applicant respectfully requests that this Court orders the issue of an Executive Warrant of Arrest of an Aircraft against the said aircraft for the herein mentioned credit and for the costs of this procedure and (1) order the sale of the said aircraft or (2) fix a time-limit within which the debtor is to pay the amount due.

.....
Advocate

.....
Legal Procurator

Confirmed on oath before me after having read to him/her the contents, and filed by:-

B 1372

Form No. 37

EXECUTIVE WARRANT of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than one million euro

(Order for payment)

Court Order

Republic of Malta

Warrant No.

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the order herein contained;

The Court thus:-

Orders the debtor to pay the amount due as requested within days, and the present warrant shall remain in force definitively until payment of the full amount is effected;

Orders the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the aircraft against which such warrant is being issued, to seize the aircraft and not release such aircraft or allow the debtor to divest himself in any way from the same in whole or in part or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it on the executive officer of the authority which has in its hands or under its control the aircraft against which such warrant is being issued;

Orders the Executive Officer serve a copy of the warrant on the person whose aircraft is arrested, the commander or other person in charge of such aircraft or the agent of such aircraft;

Orders the Executive Officer to take all necessary actions to ensure the execution of this warrant, including the seizure and removal of all travel documentation of the same aircraft.

Given by the Court

Today

Form No. 37

EXECUTIVE WARRANT of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than one million euro

*(Order of Judicial sale -
given after issuance of an Order for payment)*

Court Order

Republic of Malta

Warrant No

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the order herein contained;

The Court thus:-

Orders the sale by judicial auction of the said aircraft as indicated in the application;

Orders the Registrar to appoint experts in terms of article 89 of the Code of Organization and Civil Procedure (Cap. 12) as may be required;

Sets the day, time and place of the judicial sale as being the following:-

Orders the Registrar to notify this decree to the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the aircraft against which such warrant is being issued as well as to the person whose aircraft is arrested, the commander or other person in charge of such aircraft or the agent of such aircraft.

Given by the Court

Today

B 1374

Form No. 37

EXECUTIVE WARRANT of Arrest of an Aircraft
in security of a debt or any other claim
amounting to not less than one million euro

*(Order of Judicial sale -
without the issuance of an Order for payment)*

Court Order

Republic of Malta

Warrant No

Whereas the attached application has been filed and there exist sufficient grounds according to law for the issuance of the order herein contained;

The Court thus:-

Orders the sale by judicial auction of the said aircraft as indicated in the application;

Orders the Registrar to appoint experts in terms of article 89 of the Code of Organization and Civil Procedure (Cap. 12) as may be required;

Orders that the appraisals of the expert/s are to be filed within days;

Orders the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the aircraft against which such warrant is being issued, to seize the aircraft and not release such aircraft or allow the debtor to divest himself in any way from the same in whole or in part or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it on the executive officer of the authority which has in its hands or under its control the aircraft against which such warrant is being issued;

Orders the Executive Officer to take all necessary actions to ensure the execution of this warrant, including the seizure and removal of all travel documentation of the same aircraft.

Sets the day, time and place of the judicial sale as being the following:-

Orders the Registrar to notify this decree to the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the aircraft against which such warrant is being issued as well as to the person whose aircraft is arrested, the commander or other person in charge of such aircraft or the agent of such aircraft.

Given by the Court

Today".

