L.N. 86 of 1994

DUTY ON DOCUMENTS AND TRANSFERS ACT, 1993 (ACT NO. XVII OF 1993) CODE OF ORGANIZATION AND CIVIL PROCEDURE (CAP. 12)

Duty on Documents and Transfers Appeals Rules of Court, 1994

IN exercise of the powers conferred by subsection (6) of section 59 of the Duty on Documents and Transfers Act, 1993, hereinafter in these rules referred to as "the Act", and by section 29 of the Code of Organization and Civil Procedure, the Rule Making Board constituted under the said Code has made the following Rules of Court, which have been approved by the President of Malta:—

Citation.

1. These rules may be cited as the Duty on Documents and Transfers Appeals Rules of Court, 1994.

Right of reply.

2. (1) When an appeal is entered within the period established in section 59 of the Act, the opposing party shall have the right of a reply within fifteen days from the date of the notification of the act by which the appeal is made. No security for costs shall be required when the appeal is made in accordance with the provisions of section 59 of the Act.

(2) The Court shall set the appeal for hearing by not later than one month immediately following the expiration of the period of fifteen days allowed for the reply to the appeal.

Access to acts, documents.

3. All acts and documents received by the Court of Appeal in connection with any appeal from any decision by the said Board in terms of section 59 of the Act shall be accessible only to the parties concerned and to their counsel and legal procurators, and such access shall be had only in the presence of the deputy registrar of the said Court. Only the said parties and their counsel and legal procurators shall have the right to obtain copies of the said acts, documents and judgement.

Keeping of acts or documents and custody of records.

4. The Registrar of the Superior Courts shall keep the record of the appeal in his custody to ensure the secrecy of the said record. On the conclusion of the proceedings the acts shall be bound and kept in the custody of the Registrar.

Service of acts.

5. All notifications required in such appeals shall always be effected by the court usher and the copies of the acts so notified shall be placed in an envelope sealed by the Registrar.

Judgements.

6. (1) The President of the Court of Appeal shall sign the Court judgement which shall be immediately deposited with the Registrar who shall then thereby conclude and bind the records of the proceedings.

(2) The Registrar shall, within four days from such deposit, inform the parties of such fact.

Applicability of Code of Organization and Civil Procedure, Cap. 12.

7. The provisions of the Code of Organization and Civil Procedure and the General Rules of the Court shall apply unless these Rules provide otherwise.

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