I assent.

**(L.S.)**

**AGATHA BARBARA**
**President**

5th December, 1986

## ACT No. XXXIX of 1986

*AN ACT further to amend the Code of Organization and Civil Procedure (Cap. 15).*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:—

Short title.

**1.** This Act may be cited as the Code of Organization and Civil Procedure (Amendment) (No. 2) Act, 1986 and shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter referred to as "the principal law".

Amendment of section 833 of the principal law.

**2.** Section 833 of the principal law shall be amended as follows:—

(a) in subsection (2) thereof for the words "or claims stated in the act." there shall be substituted the following "or claims stated in the act, or if it is shown that a judicial act accepting liability as provided in subsection (3) of this section has been filed in the proper registry.".

(b) immediately after subsection (2) thereof there shall be added the following:

"(3) Where a precautionary act has been issued against any person, or such as to affect any property of such person, to secure a claim for damages arising out of the use in Malta of a motor vehicle, registered or licensed in Malta

or abroad, and there is in respect of such motor vehicle a policy of insurance as complies with the requirements of the Motor Vehicles (Third Party Risks) Ordinance, whether it is an international certificate of insurance (as defined in the said Ordinance) or otherwise and the insurer or the local bureau (as defined in the said Ordinance) has by means of a judicial act, filed in the Registry of the Court issuing the precautionary act accepted liability to pay all sums that may be due for damages arising as aforesaid, by the person against whom the precautionary act was issued, in connection with the claim contained in that act if such person is found to be responsible for such damages, such insurer or local bureau, as the case may be, shall be liable to pay all sums that may be due for damages arising as aforesaid, and the claim for such damages may be pursued against them directly. Cap. 165

(4) (a) Every authorised insurer and the local bureau shall file by means of a note in the Registry of the First Hall of the Civil Court a declaration showing the name and address of the person or persons having the judicial representation of such insurer or the local bureau, as the case may be, and of the change of any such person or persons.

(b) The Registrar of the Superior Courts shall cause the declarations filed in terms of paragraph (a) of this subsection to be registered in a book which shall be open to inspection by the public.

(c) Any judicial act served on such person or persons as on the date of the filing of such act appear in the book referred to in paragraph (b) of this subsection as having the judicial representation of an authorised insurer or the local bureau, as the case may be, shall be deemed for all purposes of law to be duly served on the person having the judicial representation of such insurer or local bureau.

(5) The Registrar of the Superior Court shall cause a copy of the precautionary act as is referred to in subsection (3) of this section, to be served on the local bureau without delay and in any case not later than the working day next following the filing of that act.

(6) No precautionary act as provided in subsection (3) of this section shall be issued against the insured if the insurer or the local bureau has by a judicial act filed in the Registry of the Civil Court, First Hall, accepted liability for the payment of damages arising out of the use of a motor vehicle in Malta if the insured is found to be responsible for such damages, and in such case the claim for such damages may be pursued against the insurer or the heal bureau, as the case may be, directly.

(7) No judicial act filled in terms of subsection (3) of this section shall be deemed to be valid for the purposes of

subsection (2) of this section unless there is registered with the Registrar of the Superior courts on the date of its filing a declaration in terms of seubsection (4) of this section.".

---

Passed by the House of Representatives at Sitting No. 407 of the 1st December, 1986.

PAUL XUEREB
*Speaker*

P. MUSCAT TERRIBILE
*Acting Clerk to the House of Representatives*

Ippubblika. 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 2c — *Price 2c***