

L.N. 1 of 1986

**JUDICIAL ASSISTANTS AND EVIDENCE BY AFFIDAVIT
ACT, 1984**

(ACT NO. XVIII OF 1984)

**Judicial Assistants and Evidence by Affidavit (Fees and Forms)
Regulations, 1986**

In exercise of the powers conferred by section 14 of the Judicial Assistants and Evidence by Affidavit Act, 1984, the Senior Deputy Prime Minister and Minister of Justice and Parliamentary Affairs, with the concurrence of the Minister of Finance and Customs has made the following regulations:

1. These regulations may be cited as the Judicial Assistants and Evidence by Affidavit (Fees and Forms) Regulations, 1986, and shall come into force on the 15th January, 1986. Citation and commencement.

2. (1) The forms in the First Schedule to these regulations shall be used for the purpose thereon indicated in proceedings before Judicial Assistants. Forms.

(2) The forms shall be provided by the Registrar upon payment of the fee shown thereon.

3. The fees payable to the Registry of the Court and to advocates for the taking of any affidavit, for the preparation thereof, for the attendance before a Judicial Assistant and for the transmission of records abroad, shall be those shown in the Second Schedule to these regulations. Fees.

FIRST SCHEDULE

(Regulation 2)

No. J. A. 1
Court Order
to perform the function
of Judicial Assistant

REPUBLIC OF MALTA

To Doctor of Laws Judicial Assistant.

Whereas it is required that in a cause before the (name of Court)
..... Summons No:
between plaintiff and
defendant a
Judicial Assistant is appointed therein and in particular:

* (a) to ascertain and establish the issues of fact or of law involved in the
cause, as well as the issues of fact or of law on which the parties agree, and to endeavour
to induce the parties to reach an agreement on the issues involved in the cause, and to
make a report thereof to the said Court;

* (b) to hear the testimony and receive the documents produced by
.....
.....

You are, therefore, hereby ordered that in terms of the provisions of the Judicial
Assistants and Evidence by Affidavit Act, 1984, you will perform the functions of
Judicial Assistant in the aforementioned cause with all the powers given to you by law,
and in such manner that a first sitting should be held on the
day of 19..... at a.m./p.m. at
..... and that you will thereafter file before this Court
your report and/or the evidence received by not later than the date of the first sitting
before this same Court.

.....
Judge
of the said Court

This, day of 19.....

* strike out where not applicable

No. J. A. 2
 Notice of hearing
 of proceedings/evidence
 before a Judicial Assistant

REPUBLIC OF MALTA

To Marshal of the Courts.

Whereas in a cause before the (name of Court)
 Summons No:
 between plaintiff and
 defendant the Court has
 appointed Doctor of Laws to
 perform the functions of a Judicial Assistant therein and in particular:

* (a) to ascertain and establish the issues of fact or of law involved in the
 cause, as well as the issues of fact or of law on which the parties agree, and to endeavour
 to induce the parties to reach an agreement on the issues involved in the cause, and to
 make a report thereof to the said Court;

* (b) to hear the testimony and receive the documents produced by

AND whereas the said Court has appointed the day of
 19 at a.m./p.m. for the hearing of proceedings/evidence
 at before the abovestated Judicial Assistant;

Wherefore you are ordered that by the delivery of a copy hereof both to the
 aforesaid plaintiff and defendant or their agent, according to law, you summon them to
 appear on the day and at the place and time aforesaid before the abovestated Judicial
 Assistant, on which day the proceedings/evidence will be heard and a report thereon
 made to the Court.

You are further ordered to warn in the same manner the aforesaid plaintiff and
 defendant that, should they fail to appear on the day, and at the place and time
 aforesaid, or on any subsequent day, as may be determined by the said Judicial
 Assistant, a report thereof shall be made to the said court which shall take such action
 thereon according to law.

And after execution, or upon your meeting with any obstacle in the said service,
 you shall report forthwith to the abovementioned Judicial Assistant.

.....
 Doctor of Laws
 Judicial Assistant
 of the said Court

This, day of 19

 * strike out where not applicable

No. J. A. 3
A Summons order
given by a
Judicial Assistant

REPUBLIC OF MALTA

In (here insert name of Court)

Summons No.:

pending before Doctor of Laws

.....

a Judicial Assistant, in the cause:

.....

.....

vs

.....

.....

To the witness:

address:

By virtue of the powers given to me by section 3(2) of the Judicial Assistants and Evidence by Affidavit Act, 1984, you are hereby being ordered to appear before me on the day and at the place and time hereunder mentioned to give evidence in the aforementioned cause:

Date and time:

Place where to attend:

Documents to be produced:

.....

You are hereby warned that should you fail to appear on the day and at the time and place hereabove mentioned, you may be liable to the penalties established for contempt of Court, and you may be compelled to appear before me by an order of escort or of arrest, and you shall be liable to all the other consequences to which, according to the Code of Organisation and Civil Procedure, you may be liable for such disobedience.

.....

Doctor of Laws
Judicial Assistant
of the said Court

This, day of 19

No. J. A. 4
A Subpoena order
Ad Testificandum and/or
Duces Tecum before a
Judicial Assistant

In (here insert name of Court)

Summons No.:
pending before Doctor of Laws
.....
a Judicial Assistant, in the cause:
.....
.....
vs
.....
.....

Application of

Respectfully requests the issue of a subpoena order in the abovestated cause against the person mentioned hereunder to attend for the sitting and at the time stated hereunder, and/or bring with him the documents.

Person summoned to attend as witness:
Address:
Date, time and place where witness is to attend:
Documents to be brought by witness:
.....

Advocate:
Legal Procurator:
This, day of 19....
Filed by

..... Deputy Registrar

REPUBLIC OF MALTA

AN ORDER MADE BY THE JUDICIAL ASSISTANT

To the witness/witnesses whose name/s appear/s in the application

By virtue of the powers given to me by section 3(2) of the Judicial Assistants and Evidence by Affidavit Act, 1984, I am hereby ordering each person whose name appears as a witness in the application to appear before me on the day and at the place and time mentioned therein to give evidence in the cause mentioned therein.

Each witness is hereby being warned that should he fail to appear on the day and at the time and place mentioned therein, he may be compelled to appear before me by an order of escort or of arrest, and he shall be liable to all the other consequences to which, according to the Code of Organisation and Civil Procedure, he may be liable for such disobedience.

.....
Doctor of Laws
Judicial Assistant

This, day of 19....

Fee: one cent

No. J. A. 5
 Escort Order issued by
 a Judicial Assistant against
 a person failing to attend
 on subpoena

REPUBLIC OF MALTA

AN ORDER MADE BY THE JUDICIAL ASSISTANT

In (here insert name of Court)

Summons No.:
 pending before Doctor of Laws

 a Judicial Assistant, in the cause:

.....

vs

.....

To Marshal of the Courts.

Whereas it had been ordered by me on the that
 should attend before me as a witness on the
 day and at the place and time mentioned in the order;

And whereas the same person has failed to attend as ordered;

Wherefore, after having seen the provisions of section 3(2) of the Judicial
 Assistants and Evidence by Affidavit Act, 1984, I am hereby ordering you to bring
 before me the said person, and to keep him/her until he/she shall have given his/her
 evidence, at the place and time mentioned hereunder, or until I shall give you another
 order.

Date and time:
 Place where witness is to attend:
 Documents to be brought by witness:

.....
 Doctor of Laws
 Judicial Assistant

This, day of 19....

Address of witness:

SECOND SCHEDULE

(Regulation 3)

A. Fees payable to the Registry

1. For the administration of an affidavit by a Judicial Assistant ... 25c
2. (a) For examining witnesses, for taking in writing of an affidavit, for each sitting before a Judicial Assistant Lm3.00,0
 (b) If the sitting lasts for more than two hours and provided that the circumstance is expressly noted in the *procès-verbal* signed by the Judicial Assistant, the fee shall be increased by Lm1 for each hour or part thereof.
3. For the transmission of records abroad besides the expenses incurred by the Registry Lm10.00,0
4. For any other service the fees shall be established in accordance with the Tariffs in Schedule A to the Code of Organization and Civil Procedure (Cap. 15).

B. Fees due to Advocates

1. For the drafting of an affidavit from Lm2.00,0
to Lm10.00,0
2. For attendance before a Judicial Assistant:
 - (i) If the attendance does not last more than two hours Lm2.00,0
 - (ii) If it lasts for more than 2 hours the fee shall be increased by Lm1 for every hour or part thereof;
 - (iii) When the attendance is at a place other than the place where the Court usually sits Lm5.00,0
3. For any other service the fees shall be established in accordance with the Tariffs in Schedule A to the Code of Organization and Civil Procedure (Cap. 15).