I assent.

(L.S.)

ANTON BUTTIGIEG
President

2nd May, 1980

ACT No. XIV of 1980

AN ACT further to amend the Code of Organisation 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 Organisation and Civil Procedure (Amendment) (No. 2) Act, 1980, and shall be read and construed as one with the Code of Organisation and Civil Procedure, hereinafter referred to as "the principal law".

Amendment of section 55 of the principal law.

2. For subsection (1) of section 55 of the principal law there shall be substituted the following:

"(1) The Registrar shall have the functions, powers and duties vested in him by the provisions of this Code and shall have under his direction and responsibility the Registry and the officers attached to it.".

Substitution of section 106 of the principal law.

3. For section 106 of the principal law there shall be substituted the following:

"Sittings not to be held on public holidays, etc.

106. No sitting may be held, nor may any judicial act be filed, issued, served or carried into execution on Saturdays, on public holidays as provided in the National Day and other Public Holidays Act, 1975, or on Wednesday or Thursday of Holy Week:

Provided that, in cases of urgency, it shall be lawful to hold sittings and, by special order of the Court, or by order given in writing by the Registrar personally, to file, issue, serve or carry into execution any judicial act also on the said days:

Provided further that, where under any rules made under subsection (4) of section 186, service is to be effected by officers of the post office, such service may, notwithstanding any other provision, be effected on such days and times during which such officers are called for duty in accordance with the rules of the post office.".

Amendment of section 275 of the principal law.

4. For subsection (1) of section 275 of the principal law there shall be substituted the following:

"(1) Any of the warrants or the order mentioned in the last preceding section is issued by the Court on the demand of the party suing out execution:

Provided that where in the opinion of the Registrar the signature of the Judge or Magistrate empowered to issue a warrant of seizure of movable property or an executive garnishee order cannot be obtained within a reasonable time and that delay may be prejudicial, the said warrant or order may be issued over the signature of the Registrar personally, and no action shall be available to impugn the regularity of such warrant or order on the grounds that the warrant or order could have been issued over the signature of a Judge or a Magistrate, as the case may be.".

Amendment of section 834 of the principal law.

5. Immediately after subsection (4) of section 834 of the principal law there shall be added the following new subsection:

"(5) Any of the warrants or orders mentioned in the preceding section shall be issued by the Court:

Provided that, where in the opinion of the Registrar the signature of a Judge or Magistrate empowered to issue a warrant of seizure or a garnishee order or a warrant of impediment of departure cannot be obtained within a reasonable time and that delay may be prejudicial, the said warrants or order may be issued over the signature of the Registrar personally, and no action shall be available to impugn the regularity of such warrants or order on the grounds that the warrant or order could have been issued over the signature of a Judge or a Magistrate, as the case may be.".

Amendment of section 839 of the principal law.

6. For subsection (2) of section 839 of the principal law there shall be substituted the following:

"(2) The provisions of subsections (4) and (5) of section 834 shall apply to counter-warrants *mutatis mutandis*.".

Passed by the House of Representatives at Sitting No. 388 of the 28th April, 1980.

C. AGIUS
Speaker

C. MIFSUD
Clerk to the House of Representatives

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