VERŻJONI ELETTRONIKA

L.N. 301 of 2018

CODE OF ORGANIZATION AND CIVIL PROCEDURE (CAP. 12)

Court of Appeal (Distribution of Cases) (Amendment) Rules, 2018

IN EXERCISE of the powers conferred by article 29 of the Code of Organization and Civil Procedure, the President of Malta after consultation with the Rule Making Board, has made the following rules:-

Citation.

1. The title of these rules is the Court of Appeal (Distribution of Cases (Amendment) Rules, 2018 and they shall be read and construed as one with the Court of Appeal (Distribution of Cases) Rules, hereinafter referred to as the "principal rules".

S.L. 12.11.

Substitutes regulation 2 of the principal rules.

2. Rule 2 of the principal rules shall be substituted by the following:

"Distribution of cases before the First, Second and Third Chambers.

2. The Chief Justice shall assign and appoint the cases to be heard by the Second Chamber or the Third Chamber of the Court of Appeal, and not by the First Chamber of the same Court, on the basis of the following principles:-

(a) the cases to be appointed shall as much as possible follow chronologically those cases which are monthly appointed in the First Chamber of the Court in such manner that such appointments shall be in subsidiary function to the appointments before the First Chamber:

Provided that the Chief Justice may also assign certain categories of cases to the Second Chamber or the Third Chamber in which case the chronological order may for that reason not necessarily follow that for appointments before the First Chamber;

(b) without prejudice to the provisions of the other paragraphs of this rule, appeals from judgements and decrees of the Civil Court (Family Section), from judgements and decrees in causes for eviction from immovable property and from decisions of the Land Arbitration Board, shall be assigned to the Third Chamber;

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(c) a case in which a judgement had been passed by one of the judges sitting in the Second Chamber or the Third Chamber shall not be assigned to that Chamber;

(d) an appeal from a judgement passed by the Gozo Court shall not be heard by the Second Chamber or the Third Chamber;

(e) appeals which *prima facie* appear to be of a complex or complicated nature or which would require hearings spread over more than one sitting, shall normally be dealt with by the First Chamber.".

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