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I assent.

(L.S.)

**MARIE-LOUISE  
COLEIRO PRECA  
President**

19 th January, 2018

**ACT No. I of 2018**

*An Act to provide for a commercial section of the Civil Court, to provide for additional chambers of the Court of Appeal and to abolish the Court of Magistrates (Gozo) sitting in its superior jurisdiction, to extend the jurisdiction of the Civil Court, First Hall, the Civil Court (Family Section) and the Civil Court (Voluntary Jurisdiction) to the Islands of Gozo and Comino and to make ancillary and consequential provisions thereto.*

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 authority of the same as follows:-

Short title and  
commencement.  
Cap. 12.

**1.** (1) This Act may be cited as the Code of Organization and Civil Procedure (Amendment) Act, 2018 and this Act shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter referred to as "the Code".

(2) This Act shall come into force on such a date as the Minister responsible for justice may by notice in the Gazette appoint, and different dates may be so appointed for different provisions or different purposes of this Act:

Provided that clause 22 shall come into force immediately.

(3) A notice under sub-article (2) of this article may make such transitional provisions as appear to the Minister to be necessary or expedient in connection with the provisions thereby brought into force.

2. (a) Immediately after article 35 of the Code there shall be substituted the following new article:

Substitution of  
articles of the  
Code.

"Competence of  
the Civil Court.

36. (1) The Civil Court, First Hall and the Civil Court (Family Section) shall be competent to hear cases in Malta and Gozo.

(2) The Civil Court, First Hall and the Civil Court (Family Section) shall hold sittings both in Malta and in Gozo.

(3) When the Civil Court, First Hall and the Civil Court (Family Section) hold sittings in Malta, they shall take cognizance of all claims against persons residing or having their ordinary abode in the Island of Malta, and of all other causes expressly assigned by law to such sections of the Civil Court.

(4) When the Civil Court, First Hall and the Civil Court (Family Section) hold sittings in Gozo, they shall take cognizance of all claims against persons residing or having their ordinary abode in the Islands of Gozo and Comino, and of all other causes expressly assigned by law to such sections of the Civil Court.

(5) The rules set out in this Code concerning the *privilegium fori* and the exceptions thereto shall apply also between the Civil Court, First Hall and the Civil Court (Family Section) when sitting in the island of Malta and when sitting in the island of Gozo.

(6) Causes which are not included in the causes which may be heard by the Civil Court, First Hall and the Civil Court (Family Section) when holding sittings in the island of Gozo shall be heard by the said Courts sitting in Malta.

(7) The Civil Court (Commercial Section) shall take cognizance of all claims against persons residing or having their ordinary abode in the Islands of Malta and the Islands of Gozo and Comino expressly assigned by law to such section of the Civil Court:

Provided that where the Civil Court (Commercial Section) is to hear causes concerning claims against persons residing or having their ordinary abode in the Islands of Gozo and Comino, it shall hold its sittings in the building of the courts of Gozo.

(8) The Civil Court (Voluntary Jurisdiction Section) shall also sit in Malta and in Gozo.

(9) It shall be lawful to add the words "(Gozo)" in any written pleading, judicial act, court decree, court judgment, *procès-verbal*, form or any other document whatsoever filed or used by the Civil Court, First Hall, the Civil Court (Family Section) or the Civil Court (Voluntary Jurisdiction Section) when such documents relate to acts, claims or proceedings of the said courts in respect of which sittings are held in the island of Gozo."

(b) Immediately after article 36 of the Code, as substituted, there shall be substituted the following new article:

"Power to make regulations.

37. The Minister responsible for justice may from time to time make regulations for the better implementation of the provisions of this Act and, without prejudice to the generality of the foregoing the said regulations may provide:

(a) for the transfer of cases pending or formerly pending before the Court of Magistrates (Gozo) and the Civil Court, First Hall to another court;

(b) for the hearing of appeals from judgments of the Court of Magistrates (Gozo) which are pending on the date of coming into force of this Act;

(c) for the making and implementation of any transitory, ancillary or consequential measures that may in the opinion of the Minister be required for the purpose of the proper implementation of the purposes of this Act."

(c) Immediately after article 37 of the Code, as substituted, there

shall be substituted the following new article:

"Saving provision.

38. (1) Any written pleading, judicial act, document, proceedings or other procedures which have hitherto been filed, instituted or followed before the Court of Magistrates (Gozo) sitting in its superior jurisdiction and before the Civil Court, First Hall prior to the entry into force of this Act which were valid at the time when such pleadings, acts, documents and procedures were filed, instituted or followed shall continue to be valid after the entry into force of this Act.

(2) The provisions of sub-article (1) shall apply also to any decree, judgment, order or other decision delivered by the said Court and to the enforcement of such decree, judgment, order and decision.

(3) The provisions of the Code as amended by this Act shall apply to any procedures pending before the Court of Magistrates (Gozo) (Superior Jurisdiction) and the Civil Court, First Hall and which on the date of entry into force of this Act are still pending and have not become *res judicata*.

(4) Subject to sub-article (5), all causes pending before the Court of Magistrates (Gozo) sitting in its superior jurisdiction shall, on the entry into force of this Act, be continued before the Civil Court, First Hall, sitting in Gozo.

(5) The Court of Magistrates (Gozo) sitting in its superior jurisdiction shall, notwithstanding the provisions of this Act, remain competent to deal with those causes of which it was seized before the coming into force of this Act and which were put off for final oral or written submissions or for judgment before the entry into force of his Act. The Court of Magistrates (Gozo) sitting in its superior jurisdiction shall continue to take cognizance of such causes until they are definitely decided by that court.

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(6) Subject to sub-article (7), all causes instituted in terms of the Companies Act and which are pending before the Civil Court, First Hall and the Court of Magistrates (Gozo) sitting in its superior jurisdiction, on the entry into force of this Act, shall be continued before the Civil Court (Commercial Section).

(7) The Civil Court, First Hall and the Court of Magistrates (Gozo) sitting in its superior jurisdiction, shall notwithstanding the provisions of this Act, remain competent to deal with those cases of which it was seized before the coming into force of this Act and which were put off for final oral or written submissions or for judgment before the entry into force of this Act."

Amendment of article 41 of the Code.

**3. Article 41 of the Code shall be amended as follows:**

(a) sub-articles (2) to (7) thereof shall be re-numbered as sub-articles (5) to (10) and sub-article (1) shall be substituted by the following:

"(1) The Court of Appeal shall consist of one or more chambers.

(2) Where the Court of Appeal consists of one or two chambers each chamber shall consist of the Chief Justice and two other judges.

(3) Where the Court of Appeal consists of three or more chambers, the third and other chambers may each be presided by a judge to be nominated upon the advice of the Chief Justice.

(4) Each chamber of the Court of Appeal shall exercise and have all powers as are by this Code or any other law vested in the Court of Appeal.";

(b) sub-article (8) thereof as re-numbered shall be substituted by the following:

"(8) The Court of Appeal shall hear and determine all appeals from judgments of the Civil Court, First Hall, Civil Court, First Hall (Gozo), the Civil Court (Family Section), the Civil Court (Family Section) (Gozo) and the Civil Court (Commercial Section).";

(c) the words "in its inferior jurisdiction" in sub-article (9) thereof, as re-numbered shall be deleted; and

(d) sub-article (10) thereof as re-numbered shall be substituted by the following:

"(10) Where the Court of Appeal is to hear appeals from:

- the Civil Court, First Hall (Gozo);

- the Civil Court (Family Section) (Gozo);

- the Court of Magistrates (Gozo);

- judgments or decisions of any board or tribunal delivered by such board or tribunal when sitting in Gozo,

it shall hold its sitting in the building of the courts in Malta:

Provided that the Minister responsible for justice may, by regulations, provide for the Court of Appeal to hold its sittings in the building of the courts in Gozo;" and

(e) immediately after sub-article (10) as re-numbered and amended, there shall be added the following new sub-article:

"(11) Where the Constitutional Court is to hear appeals from the Civil Court, First Hall (Gozo) in its constitutional competence, the Constitutional Court shall hold its sitting in the building of the Courts of Justice in Malta."

**4. Article 47 of the Code shall be substituted by the following:**

Substitution of article 47 of the Code.

"Court of Magistrates (Malta) and Court of Magistrates (Gozo), constitution and jurisdiction.

47. (1) A magistrate shall sit in the Court of Magistrates (Malta) and in the Court of Magistrates (Gozo), and such court shall, as a court of First Instance, hear and determine all claims of an amount not exceeding fifteen thousand euro (€15, 000), against persons residing or having their ordinary abode in any part of the Island of Malta in the case of the Court of Magistrates (Malta) and against persons residing or having their ordinary abode in any part of the Islands of Gozo and Comino in the case of the Court of Magistrates (Gozo).

(2) Such court shall also take cognizance of all other causes expressly assigned to it by law.

(3) Nevertheless, causes involving questions of ownership of immovable property, or relating to easements, burdens or other rights annexed to such property, including any claim for the ejectment or eviction from immovable property, whether urban or rural, tenanted or occupied by persons residing or having their ordinary abode within the limits of the jurisdiction of such court, shall not fall within the jurisdiction of the Court of Magistrates (Malta) and the Court of Magistrates (Gozo) independently of the value of the claim."

Deletion of articles 50, 53, 54 and 56 of the Code.

**5.** Articles 50, 53, 54 and 56 of the Code shall be deleted.

Amendment of article 125 of the Code.

**6.** The words "and in the Court of Magistrates (Gozo) in its superior jurisdiction" in sub-article (1) of article 125 of the Code shall be deleted.

Amendment of various provisions in the Code.

**7.** The words "in its inferior jurisdiction" in articles 125 (2), 171 (1), 172 (1), 213, 228 (2), 571, 611 (1), 702 (1), 708, 837 (1), 848, 859, 865E, 940 and paragraph 43 of Tariff E of Schedule A of the Code shall be deleted.

Amendment of article 167 of the Code.

**8.** The words "or the Court of Magistrates (Gozo) in its superior jurisdiction" in article 167 of the Code shall be deleted.

Amendment of article 174 of the Code.

**9.** The words "is filed, and, in the case of the Court of Magistrates (Gozo), an indication of the jurisdiction of the court;" in paragraph (a) of sub-article (1) of article 174 of the Code shall be substituted by the words "is filed".

Amendment of article 416 of the Code.

**10.** The words "or in the Court of Magistrates (Gozo) in its superior jurisdiction" in sub-article (1) in article 416 of the Code shall be deleted.

Amendment of article 437 of the Code.

**11.** The words "or the Court of Magistrates (Gozo) in its superior jurisdiction, as the case may be" in article 437 of the Code shall be deleted.

Amendment of article 461 of the Code.

**12.** The words "or in the Court of Magistrates (Gozo) in its superior jurisdiction, as the case may be" in article 461 of the Code shall be deleted.

Amendment of article 462 of the Code.

**13.** The words "or in the Court of Magistrates (Gozo) in its superior jurisdiction" in article 462 of the Code shall be deleted.

- 14.** Article 489 of the Code shall be deleted.

Deletion of article 489 of the Code.
  - 15.** The words "or of the Court of Magistrates (Gozo) in its superior jurisdiction" in article 613 of the Code shall be deleted.

Amendment of article 613 of the Code.
  - 16.** The words "and in the Court of Magistrates (Gozo) in its superior jurisdiction" in sub-article (1) of article 696 of the Code shall be deleted.

Amendment of article 696 of the Code.
  - 17.** The words "or in the Court of Magistrates (Gozo) in its superior jurisdiction" in sub-article (1) of article 712 of the Code shall be deleted.

Amendment of article 712 of the Code.
  - 18.** The words "or in the Court of Magistrates (Gozo) in its superior jurisdiction" in article 929 of the Code shall be deleted.

Amendment of article 929 of the Code.
  - 19.** The words "or to the Court of Magistrates (Gozo) in its superior jurisdiction" in the proviso to sub-article (3) of article 943 of the Code shall be deleted.

Amendment of article 943 of the Code.
  - 20.** Paragraph 39 of Tariff E of Schedule A of the Code shall be deleted.

Deletion of paragraph 39 of Tariff E of Schedule A of the Code.
  - 21.** The following consequential amendments shall be made to the following laws:

Consequential amendments.
- S.L. 12.11.
- (a) rule 2 of the Court of Appeal (Distribution of Cases) Rules, shall be amended as follows:

    - (i) the marginal note to rule 2 shall be substituted with the following:

"Distribution of cases before First, Second and other chambers.";
    - (ii) the words "by the Second Chamber" thereof shall be substituted by the words "by the Second or other chambers";
    - (iii) in paragraph (b) thereof, the words "in the Second Chamber" shall be substituted by the words "in the Second or other chambers"; and
    - (iv) in paragraph (c) thereof, the words "by the Gozo Court shall not be heard by the Second Chamber" shall be substituted by the words "by the Gozo Court and Civil Court (Commercial Section) shall not be heard by the Second or other chambers";

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S.L. 12.19.

(b) the Civil Court (Establishment of Sections) Order shall be amended as follows:

(i) order 2 thereof, shall be substituted by the following:

"Civil Court to have four sections.

2. There shall be four sections in the Civil Court to which shall be assigned, as provided by this Order, the category of cases, hitherto falling within the jurisdiction of the Civil Court (First Hall) and the Civil Court (Second Hall), or as may be assigned to the Civil Court by any law.";

(ii) order 3 thereof, shall be substituted by the following:

"Designation of sections.

3. The sections of the Civil Court shall be the Family Section, the Voluntary Jurisdiction Section, the Commercial Section and a general jurisdiction to be styled the First Hall of the Civil Court.";

(iii) immediately after order 5 thereof, there shall be added the following new order 5A:

"Assignment of cases to the Civil Court (Commercial Section).

5A. To the Civil Court (Commercial Section) shall be assigned applications falling within the competence of the Civil Court and which relate to matters regulated by the Companies Act.";

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(iv) order 6 shall be substituted with the following:

"Assignment of cases to the First Hall of the Civil Court.

6. To the First Hall of the Civil Court shall be assigned all cases within the competence of the Civil Court and not assigned to the Family Section or the Voluntary Jurisdiction Section or the Commercial Section.";

and

(v) order 9 thereof, shall be deleted;

S.L. 12.20.

(c) the Civil Court (Family Section), the First Hall of the Civil Court and the Court of Magistrates (Gozo) (Superior Jurisdiction) (Family Section) Regulations, shall be amended as follows:

(i) the title thereof, after the words "First Hall of the Civil Court" there shall be added the words ", the First Hall of the Civil Court (Gozo)" and the words "the Court of Magistrates (Gozo) (Superior Jurisdiction) (Family Section)" shall be substituted with the words "the Civil Court (Family Section) (Gozo)";

(ii) regulation 1 thereof shall be substituted by the following:

"Citation. 1. The title of these regulations is The Civil Court (Family Section), the First Hall of the Civil Court, the First Hall of the Civil Court (Gozo) and the Civil Court (Family Section) (Gozo) Regulations.";

(iii) the words "the Court of Magistrates (Gozo) (Superior Jurisdiction) (Family Section)" in regulation 2 thereof shall be substituted by the words "the Civil Court (Family Section) (Gozo) and the Civil Court (Voluntary Jurisdiction Section) (Gozo)";

(iv) the words "Civil Court (Family Division), the Court of Magistrates (Gozo) (Superior Jurisdiction) (Family Division) as the case may be, each of such courts hereinafter in this regulation called the "Court" in regulation 4 (1) thereof shall be substituted by the words "Civil Court (Family Section), the Civil Court (Family Section) (Gozo)";

(v) the words "Family Section of the Civil Court or of the Court of Magistrates (Gozo) (Superior Jurisdiction)" in regulation 6 (a) thereof shall be substituted by the words "Civil Court (Family Section) and the Civil Court (Family Section) (Gozo)";

(vi) immediately after regulation 5 thereof, there shall be added the following new regulation 5A:

"Assignment of cases to the Civil Court (Commercial Section). 5A. To the Civil Court (Commercial Section) shall be assigned applications falling within the competence of the Civil Court and which relate to matters regulated by the Companies Act.";

(vii) regulation 6 thereof shall be substituted with the following:

"Assignme  
nt of cases  
to the First  
Hall of the  
Civil  
Court. 6. To the First Hall of the Civil Court shall be assigned all cases within the competence of the Civil Court and not assigned to the Family Section or the Voluntary Jurisdiction Section or the Commercial Section."; and

(viii) regulation 9 thereof shall be deleted.

S.L. 12.21.

(d) paragraphs 6(3)(a) to (g) of the Civil Procedure (Regulation of Registries, Archives and Functions of Director General (Courts) and Other Court Executive Officers) Regulations, shall be substituted by the following:

"(a) the Court of Appeal, in its superior and inferior jurisdiction;

(b) the Civil Court (Gozo);

(c) the Court of Magistrates (Gozo);

(d) the Rent Regulation Board;

(e) the Rural Leases Control Board;

(f) Revising Officers appointed under the General Elections Act;

(g) the Small Claims Tribunal; and

(h) any other court or tribunal, the judicial acts, written pleadings and other documents thereof shall, in terms of any law, be filed in the Registry of the Civil Courts and Tribunals, Gozo.";

(e) wherever a reference is made in any law to the Court of Magistrates (Gozo) sitting in its superior competence, that reference shall for all intents and purposes of law be construed as a reference to the competent section of the Civil Court;

(f) wherever a reference is made in any law to the Court of Magistrates (Gozo) sitting in its inferior competence, that reference shall for all intents and purposes of law be construed as a reference to the Court of Magistrates (Gozo).

Amendments to  
the Criminal  
Code.  
Cap. 9.

## 22. The Criminal Code shall be amended as follows:

(1) Immediately after of article 370(4) thereof, there shall be added the following new sub-article:

"(4A) Notwithstanding the transitory provision made in article 1(2) of the Criminal Code (Amendment) Act, 2015 (Act VIII of 2015), and without prejudice to the other provisions of this article, the Court of Magistrates shall be competent to hear and decide all cases concerning crimes punishable with imprisonment not exceeding twelve years which were pending before the said Court prior to the 17th March 2015."

(2) In article 417(1) thereof, the words "by an application to be filed within eight working days" shall be substituted with the words "by an application to be filed within twelve working days" and the words "and in the case of an appeal from a judgment of the Court of Magistrates (Gozo), within twelve working days" shall be deleted.

(3) In article 419(1) thereof, the words ", under pain of nullity," shall be deleted.

(4) In article 499(4) thereof, the words "three working days" shall be substituted by the words "five working days".

(5) (i) In article 520(1) thereof, the words "apply to the courts of criminal justice:" shall be substituted by the words "apply *mutatis mutandis* to the courts of criminal justice:".

(ii) Paragraph (c) of article 520(1) thereof, shall be substituted by the following:

"(c) sub-articles (4), (5) and (6) of article 143, and articles 175 and 205;".

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Passed by the House of Representatives at Sitting No. 68 of the 15th January, 2018.

ANĠLU FARRUGIA  
*Speaker*

RAYMOND SCICLUNA  
*Clerk of the House of Representatives*

