

A 1692

I assent.

(L.S.)

GEORGE VELLA
President

6th December, 2019

ACT No. XXXI of 2019

AN ACT to amend various laws (better administration of justice).

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.

1. (1) The short title of this Act is Various Laws (Better Administration of Justice) (Amendment) Act, 2019.

(2) This Act shall come into force on such date as the Minister for Justice, Culture and Local Government may by notice in the Gazette establish, and different dates may be so established for different provisions of this Act.

PART I
AMENDMENTS TO THE CRIMINAL CODE

Amendments to the Criminal Code.
Cap. 9

2. This Part amends the Criminal Code, and shall be read and construed as one with the Criminal Code, hereinafter in this part referred to as "the Code."

3. Article 23D of the Code shall be amended as follows:

Amendment of article 23D of the Code.

(a) the marginal note thereof shall be substituted by the words "The Director of the Asset Recovery Bureau to conduct enquiries.";

(b) in sub-article (1) thereof, for the words "the Registrar" there shall be substituted the words "the Director of the Asset Recovery Bureau";

(c) in sub-article (2) thereof, for the words "the Registrar" there shall be substituted the words "the Director of the Asset Recovery Bureau"; and

(d) in sub-article (3) thereof, for the words "the Registrar" there shall be substituted the words "the Director of the Asset Recovery Bureau".

4. Immediately after article 533 of the Code, there shall be added the following new article:

Addition of new article to the Code.

"Payment of costs in cases instituted upon the complaint of the injured or aggrieved party, where the complainant waives the action."

533A. (1) Without prejudice to the provisions of article 380, in the case of proceedings instituted on the complaint of the injured or aggrieved party, where the complainant waives the action, the court shall in declaring the proceedings as extinguished or in any subsequent order, sentence the complainant or complainants, jointly or severally, to the payment, wholly or in part, to the registrar, of the costs incurred in connection with the employment in the proceedings of any expert or referee, including such experts as would have been appointed in the examination of the *procès-verbal* of the inquiry, within such period and in such amount as shall be determined in the judgment or order.

(2) In default of payment of the costs as determined by the court, it shall be lawful for the registrar to recover the costs aforesaid as a civil debt, by making a declaration to that effect in the record of the case at any time after the declaration of extinction of proceedings is made.

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(3) The recovery of the costs as a civil debt shall be obtained by an application to the same court for the enforcement of the judgment or order, in the manner laid down in the Code of Organization and Civil Procedure."

Cap. 12.

Amendment of article 673 of the Code.

5. In sub-article (1) of article 673 of the Code, for the words "the registrar" there shall be substituted the words "the Director of the Asset Recovery Bureau".

Amendment of article 676 of the Code.

6. In article 676 of the Code for the words "the registrar" there shall be substituted the words "the Director of the Asset Recovery Bureau".

Substitution of article 679 of the Code.

7. Article 679 of the Code shall be substituted by the following:

"679. In disposing of property forfeited in favour of the Government in terms of this Code or of any other law the Director of the Asset Recovery Bureau shall observe the following rules:

(a) property which is of no or of little value may be disposed of at the discretion of the Asset Recovery Bureau provided that proper record of such disposal is kept;

(b) firearms, ammunition, explosives or other chemical or dangerous substances, excluding collectibles, shall be consigned to the proper authorities designated by the Minister responsible for justice for destruction by them;

(c) other property which is of value shall be sold by auction by the Director of the Asset Recovery Bureau following the publication of at least three advertisements in a daily newspaper and any moneys deriving therefrom shall accrue to the Government unless the Director of the Asset Recovery Bureau deems it more beneficial to Government to dispose of such property otherwise."

**PART II
AMENDMENTS TO THE CODE OF
ORGANIZATION AND CIVIL PROCEDURE**

Amendments to the Code of Organization and Civil Procedure. Cap. 12.

8. This Part amends the Code of Organization and Civil Procedure, and shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter in this part referred to as "the Code."

9. Article 856 of the Code shall be amended as follows:

Amendment of
article 856 of
the Code.

(a) in sub-article (1) thereof, for the words "the property is, and also to order" there shall be substituted the words "property is. The Court shall also order" and immediately after the words "on the same" there shall be added the words "and the Court shall order the person indicated by the party issuing the warrant, to effect service of a copy of the warrant in accordance with sub-article (3), as well as to seize the appropriate documentation and certification from on board the vessel" ;

(b) in sub-article (3) thereof, for the words "of such ship or vessel." there shall be substituted the words "of such ship or vessel:" and immediately after there shall be added the following proviso:

"Provided that the party issuing the warrant shall indicate in the appropriate part of the warrant the necessary details of the person who shall effect service of the copy of the warrant referred to in this sub-article upon the master or other person in charge of such ship or vessel."; and

(c) immediately after sub-article (3) thereof, there shall be added the following sub-article:

"(4) Any documentation and certification seized from on board a ship or vessel in accordance with sub-article (1), shall within one working day, be handed over to the registrar."

10. In article 860 of the Code, immediately after the words "is to be found" there shall be added the words "and the details of the person who shall effect service of the copy of the warrant referred to in article 856(1).".

Amendment of
article 860 of
the Code.

11. Forms 32 and 33 of Schedule B of the Code shall be substituted by the following:

Amendment of
Schedule B of
the Code.

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"No. 32

Warrant of Arrest of Sea Vessels
over ten (10) metres in length (Precautionary)

In

Warrant No.

Applicant.....

.....

.....

vs

Respondent

.....

.....

Application of

It is being respectfully submitted and confirmed on oath by
.....:-

That the applicant seeks to safeguard a debt or a claim, whether *in personam* or *in rem*, which could be frustrated by the departure of the sea vessel indicated in this application;

That the debt or claim is the following:-

That the details of the said sea vessel of which the arrest is being requested, are the following:-

- Name:-

- Identification details of the sea vessel:

1.

2.

3.

4.

- Place where the said vessel is to be found

- Authority: Authority for Transport in Malta

That the details of the person being indicated by the applicant to effect service of a copy of this warrant in accordance to sub-article (3) of article 856 are the following:-

Full name of individual or company name:

Identity card number or company registration number:

Address:
.....

That the applicant confirms that the above-mentioned person has accepted to effect the said service.

That by the departure of the said sea vessel from Malta, the debt or claim of the applicant may be evaded;

Therefore, the applicant respectfully requests that this Honourable Court orders the issue of a Warrant of Arrest of Sea Vessels against the said sea vessel for the herein mentioned credit and with the costs of this procedure.

Advocate

Legal Procurator

Confirmed on oath before me after having read to him or her the contents.

Filed by:-

Deputy Registrar

A 1698

No. 32

Warrant of Arrest of Seagoing Vessels
over ten (10) metres in length (Precautionary)

Court Order
Republic of Malta

Warrant No.

Whereas the attached said application has been filed and there exist sufficient grounds according to law for the issuance of the Warrant of Arrest of Seagoing Vessels;

This Court thus:-

Orders the Authority for Transport in Malta or any other authority so designated by the Minister in accordance with article 857 of the Code of Organization and Civil Procedure (Cap. 12), which has in its hands or under its control the seagoing vessel against which such warrant of arrest is being issued, to seize the vessel and not release such sea vessel or allow the debtor to divest himself in any way from the same vessel, in whole or in part, or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it forthwith on the authority which has in its hands or under its control the seagoing vessel against which such warrant of arrest is being issued, and on the person indicated by the applicant to effect service of a copy of the warrant in accordance to sub-article (3) of article 856 unless the person is not the same Executive Officer who is executing this warrant;

Orders that person indicated by the applicant to effect service of a copy of the warrant in accordance to sub-article (3) of article 856 on the person whose ship or vessel is arrested, the master or other person in charge of such ship or vessel, and to elevate the appropriate documentation and certification from on board the ship or vessel, which documentation and certification shall within one (1) working day, be handed over to the Registrar, Civil Courts and Tribunals, by the person indicated by the applicant.

Given by the *(name of Court)*

and witnessed by

Doctor of Laws,
of the above-mentioned Court.

Today, day of 20

No. 33

Executive Warrant of Arrest of Sea Vessels
over ten (10) metres in length

Before

Warrant No.

Applicant

.....

.....

vs

Respondent

.....

.....

Application of

It is being respectfully submitted:-

That the applicant is in possession of an executive title and wishes to enforce same on the sea vessel hereunder indicated, the execution of which title could be frustrated by the departure of the sea vessel indicated in this application;

That the executive title is the following:-

That the details of the said sea vessel of which the arrest is being requested, are the following:-

VERŻJONI ELETTRONIKA

A 1700

- Name:-

- Identification details of the sea vessel:-

1.

2.

3.

4.

- Place where the said vessel is to be found

- Authority: Authority for Transport in Malta

That the details of the person being indicated by the applicant to effect service of a copy of this warrant in accordance to sub-article (3) of article 856 are the following:-

Full name of individual or company name:

Identity card number or company registration number:

Address:

.....

That the applicant confirms that the above-mentioned person has accepted to effect the said service.

Therefore, the applicant respectfully requests that this Honourable Court orders the issue of an Executive Warrant of Arrest of Sea Vessels against the said sea vessel for the herein mentioned credit and for the costs of this procedure and (1) order the sale of the said vessel or (2) fix a time-limit within which the respondent shall pay the amount due as this Court deems appropriate.

Advocate

Legal Procurator

Filed by:-

Deputy Registrar

No. 33

Executive Warrant of Arrest of Sea Vessels
over ten (10) metres in length
(Order for Payment)

Court Order
Republic of Malta

Warrant No.

Whereas the attached said application has been filed and there exist sufficient grounds according to law for the issuance of the order herein contained;

This Court thus:-

Orders the respondent to pay the amount due as requested within days, and the present warrant shall remain in force definitively until payment of the full amount is effected;

Orders the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the seagoing vessel against which such warrant of arrest is being issued, to seize the vessel and not release such sea vessel or allow the debtor to divest himself in any way from the same vessel, in whole or in part, or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it forthwith on the authority which has in its hands or under its control the seagoing vessel against which such warrant of arrest is being issued, and on the person indicated by the applicant to effect service of a copy of the warrant in accordance to sub-article (3) of article 856 unless this person is not the same Executive Officer who is executing this warrant;

Orders that person indicated by the applicant to effect service of a copy of the warrant in accordance to sub-article (3) of article 856 on the person whose ship or vessel is arrested, the master or other person in charge of such ship or vessel, and to elevate the appropriate documentation and certification from on board the ship or vessel, which documentation and certification shall within one (1) working day, be handed over to the Registrar, Civil Courts and

A 1702

Tribunals, by the person indicated by the applicant.

Given by the (*name of Court*)

and witnessed by

Doctor of Laws,
of the above-mentioned Court.

Today, day of 20

No. 33

Executive Warrant of Arrest of Sea Vessels
over ten (10) metres in length
(Order of Judicial sale, by auction -
given after issuance of an Order for Payment)

Court Order
Republic of Malta

Warrant No.

Whereas the attached said application has been filed and there exist sufficient grounds according to law for the issuance of the order herein contained;

This Court thus:-

Orders the sale by judicial auction of the said vessel as indicated in the primary application;

Orders the Registrar to appoint experts in terms of article 89 of the Code of Organization and Civil Procedure (Cap. 12) as may be required;

Sets the day, time and place of the judicial sale of the vessel as being the following:-

Orders the Executive Officer to execute this warrant by notifying forthwith this warrant to the authority which has in its hands or under its control the seagoing vessel against which such warrant of arrest is being issued, and to the person indicated by the applicant in accordance with sub-article (3) of article 856 unless this person is not the same Executive Officer who is executing this warrant;

Orders that person indicated by the applicant to effect service of a copy of this warrant in accordance to sub-article (3) of article 856 on the person whose ship or vessel is arrested, the master or other person in charge of such ship or vessel following which he shall personally inform the Registrar, Civil Courts and Tribunals, of his endeavours.

Given by the *(name of Court)*

and witnessed by

Doctor of Laws,
of the above-mentioned Court.

Today, day of 20

No. 33

Executive Warrant of Arrest of Sea Vessels
over ten (10) metres in length
(Order of Judicial sale, by auction -
given without the issuance of an Order for Payment)

Court Order
Republic of Malta

Warrant No.

Whereas the attached said application has been filed and there exist sufficient grounds according to law for the issuance of the order herein contained;

This Court thus:-

Orders the sale by judicial auction of the said vessel as indicated in the primary application;

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Orders the Registrar to appoint experts in terms of article 89 of the Code of Organization and Civil Procedure (Cap. 12) as may be required;

Orders that the appraisals of the expert/s shall be filed within days;

Orders the Authority for Transport in Malta or any other authority so designated by the Minister and which has in its hands or under its control the seagoing vessel against which such warrant of arrest is being issued, to seize the vessel and not release such sea vessel or allow the debtor to divest himself in any way from the same vessel, in whole or in part, or to give or surrender to any person any rights on the same;

Orders the same authority to take all necessary measures to display the court order for the general attention of third parties;

Orders the Executive Officer to execute this warrant by serving it forthwith on the authority which has in its hands or under its control the seagoing vessel against which such warrant of arrest is being issued, and on the person indicated by the applicant to effect service of a copy of the warrant in accordance to sub-article (3) of article 856 unless this person is not the same Executive Officer who is executing this warrant;

Orders that person indicated by the applicant to effect service of a copy of the warrant in accordance to sub-article (3) of article 856 on the person whose ship or vessel is arrested, the master or other person in charge of such ship or vessel, and to elevate the appropriate documentation and certification from on board the ship or vessel, which documentation and certification shall within one (1) working day, be handed over to the Registrar, Civil Courts and Tribunals, by the person indicated by the applicant;

Sets the day, time and place of the judicial sale of the vessel as being the following:-

Given by the *(name of Court)*

and witnessed by

Doctor of Laws,
of the above-mentioned Court.

Today, day of 20".

**PART III
AMENDMENTS TO THE DANGEROUS DRUGS ORDINANCE**

12. This Part amends the Dangerous Drugs Ordinance and shall be read and construed as one with the Dangerous Drugs Ordinance, hereinafter in this Part referred to as "the Ordinance".

Amendments to the Dangerous Drugs Ordinance. Cap. 101.

13. Article 22A of the Ordinance shall be amended as follows:

Amendment of article 22A of the Ordinance.

(a) in paragraph (a) of sub-article 2 thereof, for the words "the Registrar of the Court" there shall be substituted the words "the Director of the Asset Recovery Bureau"; and

(b) in sub-article (6) thereof, for the words "the Registrar of the Court" there shall be substituted the words "the Director of the Asset Recovery Bureau".

14. Article 22AB of the Ordinance shall be amended as follows:

Amendment of article 22AB of the Ordinance.

(a) the marginal note thereof shall be substituted by the words "The Director of the Asset Recovery Bureau to conduct enquiries.";

(b) in sub-article (1) thereof, for the words "the Registrar" there shall be substituted the words "the Director of the Asset Recovery Bureau";

(c) in sub-article (2) thereof, for the words "the Registrar" there shall be substituted the words "the Director of the Asset Recovery Bureau"; and

(d) in sub-article (3) thereof, for the words "the Registrar" there shall be substituted the words "the Director of the Asset Recovery Bureau".

**PART IV
AMENDMENTS TO THE PREVENTION OF MONEY
LAUNDERING ACT**

15. This Part amends the Prevention of Money Laundering Act and shall be read and construed as one with the Prevention of Money Laundering Act, hereinafter in this Part referred to as "the principal Act."

Amendments to the Prevention of Money Laundering Act. Cap. 373.

16. Article 5 of the principal Act shall be amended as follows:

Amendment of article 5 of the principal Act.

(a) in paragraph (a) of sub-article (2) thereof, for the words "the Registrar of the Court" there shall be substituted the words "the Director of the Asset Recovery Bureau"; and

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(b) in sub-article (6) thereof, for the words "the Registrar of the Court" there shall be substituted the words "the Director of the Asset Recovery Bureau".

Amendment of
article 11A of
the principal
Act.

17. Article 11A of the principal Act shall be amended as follows:

(a) the marginal note thereof shall be substituted by the words "The Director of the Asset Recovery Bureau to conduct enquiries.";

(b) in sub-article (1) thereof, for the words "the Registrar" there shall be substituted the words "the Director of the Asset Recovery Bureau";

(c) in sub-article (2) thereof, for the words "the Registrar" there shall be substituted the words "the Director of the Asset Recovery Bureau"; and

(d) in sub-article (3) thereof, for the words "the Registrar" there shall be substituted the words "the Director of the Asset Recovery Bureau".

Passed by the House of Representatives at Sitting No. 286 of the
3rd December, 2019.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives