

Other matters
cognizable by Civil
Court, First Hall.
Amended by:
[XXIV.1995.362.](#)

- 549.** The Civil Court, First Hall, shall also take cognizance -
- (a) of actions against agents or other persons commissioned by merchants, or their subordinates in regard only to transactions carried out in the ordinary course of the business of their principal; and of actions by the former against the principal;
 - (b) of all matters relating to bankruptcy in accordance with the provisions contained in this Code.

Title III

OF COMMERCIAL FEES

Commercial fees.
Substituted by:
[XXIII.2009.21.](#)

550. It shall be possible for commercial fees, different from those established in the Schedule hereto, to be agreed between parties. The service provider shall inform his client of the applicable fee or the basis on which the fee is to be determined before the service is provided.

Power of Minister
responsible for
justice to establish
fees.
Amended by:
L.N. 4 of 1963;
XXXI.1966.
[XIII.2008.2.](#)

551. The Minister responsible for justice may, by notice in the Government Gazette, after hearing the Chamber of Commerce, Enterprise and Industry, amend or make additions to the Schedule of fees referred to in the last preceding article.

GENERAL PROVISION

Contrary customs
to be inoperative.

552. Any law or custom contrary to or inconsistent with the provisions of this Code shall have no effect.

SCHEDULE
[Articles 550-551]
PART I
(Article 70(3))

Schedules contained in s.1 of Ord.IL of 1898, consolidated.
Amended by:
[XIII.1983.4;](#)
[IX.2003.4;](#)
[L.N. 407 of 2007.](#)

SECONDARY ACTIVITIES OF COMMERCIAL AGENTS

1. The activities of a person as a commercial agent are secondary where it may reasonably be taken that the primary purpose of the arrangement with his principal is other than as set out in paragraph 2 below.
2. An arrangement falls within this paragraph if -
 - (a) the business of the principal is the sale, or as the case may be purchase, of goods or services of a particular kind; and
 - (b) the goods or services concerned are such that -
 - (i) transactions are normally individually negotiated and concluded on a commercial basis, and
 - (ii) procuring a transaction on one occasion is likely to lead to further transactions in those goods or services with that customer on future occasions, or to transactions in those goods or services with other customers in the same geographical area or among the same group of customers, and that accordingly it is in the commercial interests of the principal in developing the market in those goods or services to appoint a representative to such customers with a view to the representative devoting effort, skill and expenditure from his own resources to that end.
3. The following are indications that an arrangement falls within paragraph 2 above, and the absence of any of them is indication to the contrary -
 - (a) the principal is the manufacturer, importer or distributor of the goods;
 - (b) the goods are specifically identified with the principal in the market in question rather than, or to a greater extent than, with any other person;
 - (c) the agent devotes substantially the whole of his time to representative activities (whether for one principal or for a number of principals whose interests are not conflicting);
 - (d) the goods are not normally available in the market in question other than by means of the agent;
 - (e) the arrangement is described as one of commercial agency.
4. The following are indications that an arrangement does not fall within paragraph 2 above -
 - (a) promotional material is supplied direct to potential customers;
 - (b) persons are granted agencies without reference to existing agents in a particular area or in relation to a particular group;
 - (c) customers normally select the goods for themselves and merely place their orders through the agent.
5. The activities of the following categories of persons are presumed, unless

the contrary is established, not to fall within paragraph 2 above -

- Mail order catalogue agents for consumer goods;
- Consumer credit agents.

PART II COMMISSIONS AND FEES

Commissions

On the purchase and sale of goods	
On the purchase of goods with the principal's funds in hand	2%
On the purchase of goods and on the drawing for the value thereof	2 ¹ / ₈ %
On the sale of goods	2%
On attempted sale of goods -	
if the value be above €1,164,69	¹ / ₄ %
if the value be €1,164,69 or less	¹ / ₂ %
On the purchase and sale of sailing - or steam-ships (including brokerage), (from each party)	1 ¹ / ₄ %

Banking Transactions

On drawing	¹ / ₈ to ¹ / ₄ %
On remitting	¹ / ₈ %
On accepting	¹ / ₈ %
On negotiating	¹ / ₈ to ¹ / ₄ %
On endorsement of bills of exchange	¹ / ₈ %
N.B.- If the drawing and remitting, or the accepting and negotiating refer to the same transaction, the fee is only	¹ / ₄ %
On the purchase or sale of public funds -	
for funds quoted at above 75% of their nominal value, -	
<i>on the nominal value</i>	¹ / ₈ %
for funds quoted at below 75% of their nominal value, -	
<i>on the nominal value</i>	¹ / ₁₆ %
On disbursements to travellers against letters of credit	¹ / ₂ %
On collection, payment, or negotiating of coupons	¹ / ₈ %
On collection of bills of exchange and remittances of the amount ..	¹ / ₈ %
On collection of moneys in account current and remittance of proceeds, or payments made on demand	¹ / ₈ %

N.B. - The minimum rates above specified in the cases where the rate is not definitely indicated, apply to transactions the amount of which exceeds €232.94

Sailing-ship or Steamship Agency

To the freighter of a steamship or sailing-ship	2%
To the consignee, on the affreightment of a sailing-ship or steamship, if he procured the affreightment	1%
On freights of importation, as per manifest, both if the freight be payable at the port of destination and if paid in advance	2%

On procuring freights to steamships or sailing-ships for exportation, as per manifest	3%
On disbursements to steamships or sailing-ships	2%
On disbursements to steamships or sailing-ships if under average ..	2½%
On discharging and reloading, or on reshipping of goods on sailing-ship or steamship with or without average, -	
if the value of the goods be under €4658.75	½%
if the value of the goods be above €4658.75	¼%
On transhipment of packages - according to the goods and the number of packages -	
<i>for each package</i>	0.01c to 0.06c
for bales or cases of textiles, -	
<i>for each bale or case</i>	23c
for iron, - <i>per ton</i>	23c
On the sale by public auction of goods or articles landed from sailing-ships or steamships under average	2%
<i>Fees</i>	
For representing one or more persons before courts of justice -	
if the amount in litigation exceeds €2,329.37 -	
in the court of first instance	2%
in the court of second instance	1%
if the amount in litigation is €2,329.37 or less -	
in the court of first instance	3%
in the court of second instance	2%
N.B. - If representation is in second instance only, the fee is -	
if the amount in litigation exceeds €2,329.37	2%
if it is €2,329.37 or less	3%
On deposits in court as security for suits (besides interest at 6% per annum) -	
for a period not longer than one year	3%
for any further period not exceeding one year	2%
On receipt of telegrams for transmission abroad -	
<i>per telegram</i>	58c
On giving orders -	
to steamships, - <i>for each order</i>	1.16c
to sailing-ships, - <i>for each order</i>	58c
On procuring orders, receiving and delivering goods, adjusting accounts, procuring acceptances, or collecting and remitting	3%
for <i>del credere</i> on the sale of goods on credit	2%
On guarantees in favour of any person - <i>per month</i>	¼%
On guarantees in favour of any person, accompanied by a deposit (besides ¼% per month), interest, per annum, of	6%

PART III

FEES OF PUBLIC BROKERS

On the sale and purchase of goods (from each party)	½%
On the sale and purchase of goods of small value, such as pozzolana, soda-ash, firewood, mineral salts, and the like articles (from each party)	1%
N.B. - In the case of goods sold under discount, the brokerage is due on the net amount of the invoice	
On exchange of goods - <i>on the value of every article</i> (from each party)	$\frac{3}{8}\%$
On the purchase and sale of any stock in public funds to bearer - <i>on the real value</i> (from each party)	1%
On the purchase and sale of foreign bills of exchange, discount of bills in the market, and of coupons - <i>on the real value</i> (from each party)	1%
On the purchase and sale of gold and silver bullion, or of State or foreign coins - <i>on the real value</i> (from each party)	½%
On whole or partial affreightment of sailing-ships or steamships - <i>payable by the master</i>	2%
On affreightment of sailing-ships or steamships <i>à la cueillette</i> (ship receiving goods)	3%

PART IV

FEES OF SURVEYORS

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For a survey on the condition of a sailing-ship or on the condition of the bottom or machinery of a steamship, with or without average -	
for the first survey	4.89
for any further survey	2.45
For a survey on goods -	
if the value does not exceed €232.94	1.22
if the value is above €232.94 but does not exceed €465.87 ...	2.45
if the value is above €465.87 -	
for the first survey	4.89
for any further survey	2.45
For a survey, on board, on condition of the cargo and stowage thereof -	
for the first survey	4.89
for any further survey	2.45

N.B. - All the said fees are due to each surveyor and for attendances within the Grand Harbour or within the Marsamxett Harbour; for attendances outside the said harbours, such fees shall be doubled. The said fees also include the fee for the drawing up of the report, but transport and other expenses incurred by the surveyors in the discharge of their duties, shall be refunded to them, in addition to the fees above specified

If the time employed by the surveyors outside the said two harbours exceeds one day, and their continual attendance should be required beyond that term, - in addition to the expenses incurred, for each day already commenced	12.23
On appraisement of a sailing-ship or steamship, her tackle and apparel, - besides the expenses incurred -	
on the first €1,164.69	1%
on the second €1,164.69	³ / ₄ %
on any further sum	¹ / ₂ %
