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**Nru. 29**

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3. 11. 82.

**MALTA**

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**KAMRA TAD-DEPUTATI****HOUSE OF REPRESENTATIVES**

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ABBOZZ ta' Ligi mressaq mill-Onorevoli Joseph Cassar, M.P., Deputat Prim Ministru Anzjan u Ministru tal-Ġustizzja u Affarijiet tal-Parlament u moqri għall-Ewwel darba fis-Seduta tat-18 ta' Ottubru, 1982.

A BILL introduced by the Honourable Joseph Cassar, M.P., Senior Deputy Prime Minister and Minister of Justice and Parliamentary Affairs and read the First time at the Sitting of the 18th October, 1982.

ATT biex ikompli jemenda l-Kodiċi Civili, Kap. 23.

AN ACT further to amend the Civil Code, Cap. 23.

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**C. MIFSUD***Skrivan tal-Kamra tad-Deputati*

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**C. MIFSUD***Clerk to the House of Representatives*

## ABBOZZ TA' LIĠI

### msejjah

*ATT biex ikompli jemenda l-Kodiċi Ċivili, Kap. 23.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1982 li jemenda l-Kodiċi Ċivili, u għandu jinqara u jiftiehem haġa waħda mal-Kodiċi Ċivili, hawn-hekk iżjed 'il quddiem imsejjah "il-liġi prinċipali".

Emenda ta' l-artikolu 1029 tal-liġi prinċipali.

2. L-artikolu 1029 tal-liġi prinċipali għandu jiġi emendat billi min-flok il-kliem "Kull obligazzjoni" li hemm fis-subartikolu (2) tiegħu jidhlu l-kliem "Bla ħsara għad-disposizzjonijiet ta' l-artikolu 1948 u ta' kull disposizzjoni oħra ta' dan il-Kodiċi jew ta' xi liġi oħra, kull obligazzjoni".

Emenda ta' l-artikolu 1948 tal-liġi prinċipali.

3. Minflok is-subartikolu (4) ta' l-artikolu 1948 tal-liġi prinċipali għandu jidhlo is-subartikolu li ġej:

"(4) Meta jingħata self minn bank li għandu liċenza skond l-Att ta' l-1970 dwar il-Kummerċ Bankarju, jew jingabar self f'xi żmien wara l-1 ta' Lulju, 1982, bil-ħruġ ta' *bonds, debentures* jew titoli oħra u r-rata ta' l-imgħax li tapplika dwar dak is-self tkun giet stabbilita skond l-artikolu 22 ta' l-imsemmi Att, oġġla minn tmienja fil-mija fis-sena jew, dwar self li jingabar kif intqal qabel, tkun giet approvata mill-Ministru responsabbli għall-finanzi rata ta' mgħax oġġla minn tmienja fil-mija speċifikament dwar dak is-self, id-disposizzjonijiet ta' qabel ta' dan l-artikolu għandhom japplikaw għal

dak is-self, safejn u għal dak iż-żmien u bla ħsara għal dawk il-kondizzjonijiet li dik ir-rata ta' mgħax ogħla tkun tapplika jew approvata kif intqal qabel, b'ħallikieku l-ogħla rata ta' mgħax hekk stabblita jew ir-rata ta' mgħax hekk approvata, kienet l-ogħla rata ta' mgħax li tista' tiġi mposta skond is-subartikolu (1) ta' dan l-artikolu.”.

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### **Għanijiet u Ragunijiet**

L-Għan ta' dan l-Abbozz huwa li tkun tista' ssir lill-pubbliku offerta ta' *bonds*, *debentures* jew titoli oħra b'rata ta' mgħax ogħla minn tmienja fil-mija f'kazijiet fejn il-Ministru responsabbli għall-finanzi jidhirlu xierqa fl-interess nazzjonali.

**A BILL**  
**entitled**

*An ACT further to amend the Civil Code, Cap. 23.*

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 Civil Code (Amendment) Act, 1982, and shall be read and construed as one with the Civil Code, hereinafter referred to as “the principal law”.

Amendment of section 1029 of the principal law.

2. Section 1029 of the principal law shall be amended by the insertion, immediately before the words “Any obligation” in subsection (2) thereof, of the words “Saving the provisions of section 1948 and of any other provision of this Code or of any other law”.

Amendment of section 1948 of the principal law.

3. Subsection (4) of section 1948 of the principal law shall be substituted by the following subsection:

“(4) Where a loan is made by a bank licensed under the Banking Act, 1970, or a loan is raised at any time after July 1st, 1982, by the issue to the public of bonds, debentures or other securities, and a rate of interest higher than eight per centum per annum has been fixed under section 22 of the said Act applicable to such loan or, with respect to a loan raised as aforesaid, a rate of interest higher than eight per centum has been approved by the Minister responsible for finance specifically in respect of that loan, the foregoing provisions of this section shall apply to such loan, to the extent and for such time and subject to such conditions as such

higher rate of interest is applicable or approved as aforesaid, as if the maximum rate of interest so fixed or the rate of interest so approved, were the maximum rate of interest chargeable in accordance with subsection (1) of this section.”.

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### **Objects and Reasons**

The Object of this Bill is to allow the offer to the public of bonds, debentures or other securities at a rate of interest higher than eight per cent in cases where the Minister responsible for finance deems it proper in the national interest.