Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 16,791, 14 ta' Mejju, 1999
Taqsima C

Nru. 22

14. 5. 99

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Tonio Borg, M.P., Ministru ta' l-Intern u moqri għall-Ewwel darba fis-Seduta ta' l-10 ta' Mejju, 1999.

ATT biex jipprovdi dwar it-tqegħid ta' Atti Nutarili fl-Arkivji qabel ma dawn jiġu spezzjonati skond l-artikolu 117 ta' l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, Kap. 55.

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Tonio Borg, M.P., Minister for Home Affairs, and read the First time at the Sitting of the 10th May, 1999.

AN ACT to make provision for the deposit of Notarial Acts at the Archives before they are inspected in terms of section 117 of the Notarial Profession and Notarial Archives Act, Cap. 55.

RICHARD J. CAUCHI
Clerk to the House of Representatives

ABBOZZ TA' LIĠI
msejjaħ

ATT biex jipprovdi dwar it-tqegħid ta' Atti Nutarili fl-Arkivji qabel ma dawn jiġu spezzjonati skond l-artikolu 117 ta' l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, Kap. 55.

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

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1999 dwar Atti Nutarili (Provvedimenti Temporanji), u għandu jibda jseħħ f'dik id-data li l-Ministru responsabbli għall-Arkivji Nutarili jista' jistabbilixxi b'Ordni fil-Gazzetta. Titolu fil-qosor u bidu fis-seħħ.

2. (1) F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġx xort'oħra: Tifsir.

"applikazzjonijiet li jsiru fir-Reġistru ta' l-Artijiet" tfisser talbiet li jsiru skond u b'mod konformi mal-provvedimenti ta' l-Att dwar ir-Reġistrazzjoni ta' Artijiet; Kap. 296.

"Arkivji" u "Arkivist" tfisser l-arkivji u l-arkivist imsemmija fl-artikolu 95 tal-Liġi Nutarili;

"atti nutarili mhux spezzjonati" u "atti mhux spezzjonati" tfisser dawk l-atti nutarili oriġinali li ma jkunux ġew spezzjonati u mqegħdin fl-Arkivji skond l-artikolu 117 tal-Liġi Nutarili;

"Kummissarju Speċjali" tfisser Kummissarju Speċjali għall-Atti Nutarili maħtur skond l-artikolu 3 ta' dan l-Att;

Kap. 55.

"Liġi Nutarili" tfisser l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili;

"Ministru" tfisser il-Ministru responsabbli għall-Arkivji Nutarili;

Kap. 56.

"noti li jsiru fir-Reġistru Pubbliku" tfisser noti li jiddaħħlu fir-Reġistru Pubbliku skond u b'mod konformi mal-Liġi Nutarili jew ma' l-Att dwar ir-Reġistru Pubbliku;

"Qorti ta' Reviżjoni" tfisser il-Qorti ta' Reviżjoni ta' l-Atti Nutarili, li hemm imsemmija fl-artikolu 110 tal-Liġi Nutarili.

(2) Kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'oħra, indiċijiet, atti nutarili, reġistri u volumi jirreferu għal dawk il-frażijiet bħalma huma wżati fil-Liġi Nutarili.

Kummissarju Speċjali għall-Atti Nutarili.

3. (1) Il-Ministru għandu sa mhux aktar tard minn xahrejn mid-dħul fis-seħħ ta' dan l-Att jaħtar Kummissarju Speċjali għall-Atti Nutarili li jkollu s-setgħat u l-funzjonijiet stabbiliti b'dan l-Att.

(2) Il-Ministru jista' f'kull żmien jaħtar aktar Kummissarji Speċjali hekk kif iċ-ċirkostanzi jistgħu jeħtieġu.

(3) Kummissarju Speċjali għandu jinħatar mill-Ministru għal żmien mhux aktar minn tlett snin hekk kif jista' jiġi stabbilit fl-ittra tal-ħatra tiegħu, u huwa jista' jerġa' jinħatar mill-ġdid għal perijodi oħra li kull wieħed minnhom ma jkunx ta' iżjed minn tmintax-il xahar.

(4) (a) Ħadd ma jkun kwalifikat li jinħatar bħala Kummissarju Speċjali kemm-il darba huwa ma jkunx -

(i) mħallef jew maġistrat; jew

(ii) nutar li jkun irtira mill-prattika legali; jew

(iii) avukat jew prokuratur legali; jew

(iv) uffiċċjal pubbliku mpjegat mal-Gvern mhux taħt il-grad ta' prinċipal:

Iżda uffiċċjal pubbliku li jkun assenjat fl-Arkivji ma jkunx kwalifikat li jinħatar bħala Kummissarju Speċjali.

(b) Kummissarju Speċjali li ma jkunx mħallef jew maġistrat, jew nutar, avukat jew prokuratur legali rtirat, ma jistax jitħalla jispezzjona testmenti.

(ċ) Kummissarju Speċjali ma jistax jibda jispezzjona atti kemm-il darba huwa ma jkunx ħalef quddiem l-Avukat Ġenerali l-ġurament tal-kariga kif ġej:

"Jiena.........................naħlef li nwettaq bl-aħjar ħila li għandi l-kariga ta' Kummissarju Speċjali għall-Atti Nutarili. Hekk Alla jgħinni.".

4. (1) Kull nutar jista' jitlob li jqiegħed fl-Arkivji atti nutarili mhux spezzjonati li huwa jkun irċieva:

Nutar jista' jitlob li jqiegħed fl-Arkivji atti mhux spezzjonati.

Iżda ma tista' ssir ebda talba bħal dik għar-rigward ta' atti mhux spezzjonati li n-nutar ikun irċieva wara Ġunju tas-sena li fiha ssir it-talba jekk it-talba ssir wara Ġunju ta' xi sena li tkun, u wara Diċembru tas-sena ta' qabel jekk it-talba ssir qabel Ġunju ta' xi sena li tkun.

(2) Dik it-talba għandha ssir permezz ta' rikors li jiġi ppreżentat fil-Qorti ta' Reviżjoni li fih il-Kummissarju Speċjali jintalab biex jistabbilixxi l-jum, ħin u lok meta l-Kummissarju Speċjali jkun se jispezzjona l-atti nutarili.

(3) Flimkien mar-rikors in-nutar għandu jippreżenta nota li tkun turi:

(a) l-għadd ta' volumi ta' atti *inter vivos* u *causa mortis* li dwarhom tkun tirreferi t-talba;

(b) l-għadd ta' atti f'kull volum;

(ċ) l-għadd ta' paġni f'kull volum fejn jiġi ndikat in-numru ta' l-ewwel u ta' l-aħħar paġna;

(d) in-numru progressiv ta' l-ewwel att u ta' l-aħħar att f'kull volum;

(e) id-data ta' l-ewwel att u ta' l-aħħar att f'kull volum;

(f) dikjarazzjoni li tkun tgħid li r-reġistri ta' dawk l-atti jkunu tlestew; u

(ġ) dikjarazzjoni li n-noti li jsiru fir-Reġistru Pubbliku jkunu kollha ġew imdaħħla fir-Reġistru Pubbliku u li l-applikazzjonijiet

li jsiru fir-Reġistru ta' l-Artijiet dwar dawk l-atti li jkunu jinsabu ġewwa l-volumi jkunu kollha saru.

(4) Ir-rikors u n-nota li jkunu ġew ippreżentati skond ma hemm f'dan l-artikolu għandhom jiġu notifikati lill-Kummissarju Speċjali mir-Reġistratur tal-Qorti ta' Reviżjoni fi żmien tlett ijiem tax-xogħol minn meta dawn ikunu ġew ippreżentati.

(5) (a) Il-Kummissarju Speċjali għandu, sa mhux aktar tard minn xahar mid-data tal-preżentata tar-rikors magħmul skond ma hemm fis-subartikolu (2) ta' dan l-artikolu, b'taħrika ffirmata minnu, jordna lin-Nutar sabiex iġib miegħu l-atti mhux spezzjonati f'għamla llegata flimkien mal-indiċijiet rispettivi tagħhom f'dak il-jum, ħin u lok hekk kif jistgħu jiġu ndikati fit-taħrika, u kull volum għandu jiġi spezzjonat mill-Kummissarju Speċjali limitatament bil-għan li jiġi żgurat li n-nota ppreżentata skond ma hemm fis-subartikolu (3) tkun waħda korretta għar-rigward tal-partikolaritajiet imsemmija fil-paragrafi (b) sa (e) ta' l-istess subartikolu ta' dan l-artikolu għar-rigward ta' kull volum.

(b) Il-Kummissarju Speċjali jista' jsaqsi lin-Nutar, meta jkun possibbli, li jikkorreġi kull nuqqas ta' akkuratezza fin-numerazzjoni ta' l-atti, fl-impaġnar tagħhom u fis-sekwenza tagħhom.

(ċ) Il-Kummissarju Speċjali għandu fuq l-aħħar paġna ta' kull volum jikteb u jiffirma d-dikjarazzjoni li dak il-volum ġie spezzjonat minnu skond ma jeħtieġ dan l-Att.

(6) (a) Il-Kummissarju Speċjali għandu iktar minn hekk jagħmel proċess verbal ta' dik l-ispezzjoni fejn jindika kull diskrepanza li tirriżulta mill-partikolaritajiet mogħtija fin-nota ppreżentata skond is-subartikolu (3) ta' dan l-artikolu. Il-proċess verbal għandu jkun ffirmat mill-Kummissarju Speċjali u min-Nutar. Flimkien mal-proċess verbal il-Kummissarju Speċjali għandu jehmeż kopja tan-nota hawn aktar qabel imsemmija, li għandha tkun iffirmata wkoll mill-Kummissarju Speċjali u min-Nutar.

(b) Fi żmien sebat ijiem tax-xogħol mid-data tal-proċess verbal, il-Kummissarju Speċjali għandu jara li -

(i) kopja waħda tiegħu tiġi ppreżentata fir-Reġistru tal-Qorti ta' Reviżjoni; u

(ii) kopja waħda tiegħu tiġi notifikata lin-Nutar.

(7) Fi żmien ħmistax-il ġurnata tax-xogħol mid-data tal-proċess verbal imsemmi fis-subartikolu (6) ta' dan l-artikolu, il-Kummissarju Speċjali għandu jqiegħed fl-Arkivji l-volumi ta' l-atti oriġinali spezzjonati minnu u l-indiċijiet relattivi tagħhom. Il-Kummissarju Speċjali għandu jibgħat żewġ kopji tal-proċess verbal lill-Arkivist li għandu jirrikonoxxi li dawk il-volumi u indiċijiet ikunu waslulu billi jiffirma kopja minnhom u jibgħatha lura lill-Kummissarju Speċjali.

(8) Malli l-volumi u l-indiċijiet ikunu għaddew għand l-Arkivist, dawn għandhom jitqiesu li jkunu ġew regolarment imqegħdin fl-Arkivju skond id-dispożizzjonijiet tal-Liġi Nutarili u l-Arkivist għandu jagħmel minnhom kif dovut:

Iżda ebda ħaġa li tinsab f'dan is-subartikolu ma għandha tipprekludi xi spezzjoni milli ssir skond id-dispożizzjonijiet tal-Liġi Nutarili ta' dawk l-atti hekk imqegħdin u tar-reġistri rispettivi tagħhom. Dik l-ispezzjoni ta' l-atti mqegħdin fl-Arkivji għandha ssir ġewwa l-istess Arkivji.

(9) Id-dispożizzjonijiet tas-subartikoli ta' qabel ta' dan l-artikolu għandhom japplikaw *mutatis mutandis* għal Nutar għar-rigward ta' l-atti nutarili mhux spezzjonati li huwa jkun Konservatur tagħhom skond il-Liġi Nutarili.

5. (1) Kull nutar għandu, sa mhux aktar tard mill-1 ta' Ottubru, 2000, jippreżenta fir-Reġistru tal-Qorti ta' Reviżjoni nota li jkun fiha t-tagħrif u d-dikjarazzjoni msemmija fis-subartikolu (3) ta' l-artikolu 4 ta' dan l-Att għar-rigward ta' atti mhux spezzjonati minnu riċevuti sat-30 ta' Ġunju, 2000. Tqegħid bi dmir ta' atti.

(2) In-noti li jiġu ppreżentati skond dan is-subartikolu għandhom jiġu notifikati lill-Kummissarju Speċjali għall-Atti Nutarili fi żmien tlett ijiem tax-xogħol.

(3) Nutar li ma jkunx ħejja r-reġistri kollha għar-rigward ta' atti mhux spezzjonati li dwarhom jirreferi dan l-artikolu, għandu jindika fin-nota liema jkunu dawk l-atti li dwarhom għad ikunu jridu jsiru r-reġistri.

(4) Nutar li jkun għadu ma ppreżentax in-noti li jsiru fir-Reġistru Pubbliku kollha jew għamel l-applikazzjonijiet li jsiru fir-Reġistru ta' l-Artijiet kollha li jirrigwardaw jew li jkunu skond u konformi ma' atti mhux spezzjonati li dwarhom jirreferi dan l-artikolu, għandu jindika fin-nota liema jkunu dawk l-atti li dwarhom dawk in-noti u applikazzjonijiet ma jkunux ġew ippreżentati jew saru.

(5) Kull nutar għandu fi żmien sena min-nota magħmula skond ma hemm fis-subartikolu (1) ta' dan l-artikolu iħejji dawk ir-reġistri li jkunu għad iridu jsiru.

(6) Kull nutar għandu fi żmien xahrejn mill-imsemmija nota jdaħħal fir-Reġistru Pubbliku dawk in-noti li jkunu għadhom jeħtieġu jiddaħħlu fir-Reġistru Pubbliku u jagħmel fir-Reġistru ta' l-Artijiet dawk l-applikazzjonijiet li jkunu għadhom jeħtieġu li jsiru hemmhekk.

(7) Mingħajr preġudizzju għal kull responsabbilta' ċivili għal danni mġarrba f'dak li għandu x'jaqsam ma' dan, meta xi wieħed mir-reġistri jkun għadu ma ġiex imħejji jew xi noti tar-Reġistru Pubbliku ma jkunux għadhom iddaħħlu jew xi applikazzjonijiet tar-Reġistru ta' l-Artijiet ma jkunux għadhom saru, ma jistgħu jiġu mposti ebda pieni dixxiplinari skond il-Liġi Nutarili u l-Att dwar ir-Reġistrazzjoni ta' Artijiet għar-rigward ta' xi ommissjoni bħal dik dikjarata skond is-subartikoli (3) u (4) ta' dan l-artikolu, sakemm ir-reġistri jiġu mħejjija saż-żmien speċifikat fis-subartikolu (5) ta' dan l-artikolu u n-noti kollha jiġu mdaħħlin u l-applikazzjonijiet kollha jsiru fiż-żmien speċifikat fis-subartikolu (6) ta' dan l-artikolu.

(8) Minkejja kull dispożizzjoni tal-Liġi Nutarili, meta Nutar ikun għamel dikjarazzjoni skond is-subartikolu (3) ta' dan l-artikolu, huwa jista' jħejji reġistru bħal dak li d-dikjarazzjoni tkun tirreferi għalih, sew kollu kemm hu sew f'parti minnu, billi jagħmel fotokopja fuq karta normali ta' l-atti oriġinali u tad-dokumenti li jkunu jinsabu ma' dawk l-atti.

(9) Nutar li jkun għamel dikjarazzjoni skond is-subartikoli (3) u (4) ta' dan l-artikolu għandu fi żmien sena mid-dikjarazzjoni msemmija fis-subartikolu (1) ta' dan l-artikolu fil-każ tar- reġistri, u fi żmien xahrejn mid-dikjarazzjoni msemmija fil-każ tan-Noti fir-Reġistru Pubbliku u applikazzjonijiet fir-Reġistru ta' l-Artijiet, jippreżenta noti separati fil-Qorti ta' Reviżjoni li fihom jindika li kull reġistru pendenti msemmi fid-dikjarazzjoni jkun ġie mħejji u li kull nota u applikazzjoni msemmija fid-dikjarazzjoni tkun iddaħħlet jew saret. In-noti li jkunu ġew ippreżentati skond dan is-subartikolu għandhom jiġu notifikati fi żmien tlett ijiem tax-xogħol lill-Kummissarju Speċjali.

(10) Id-dispożizzjonijiet tas-subartikoli ta' qabel dan għandhom ikunu japplikaw *mutatis mutandis* għal Nutar għar-rigward ta' atti nutarili mhux spezzjonati li huwa jkun il-Konservatur tagħhom skond il-Liġi Nutarili.

Spezzjoni ta' atti li għalihom jirreferi l-artikolu 5.

6. (1) Il-Kummissarju Speċjali għandu minn żmien għal żmien wara l-1 ta' Ottubru, 2001, b'taħrika ffirmata minnu, jħarrek lil dawk in-Nutara li jkollhom atti mhux spezzjonati li dwarhom jirreferi l-artikolu

5, sabiex huma jġibu magħhom xi jew kull att nutarili mhux spezzjonat simili f'għamla llegata bl-indiċijiet rispettivi tagħhom f'dak il-jum, ħin u lok hekk kif jista' jiġi ndikat fit-taħrika, u kull volum għandu jiġi spezzjonat mill-Kummissarju Speċjali limitatament sabiex jaċċerta li l-partikolaritajiet msemmija fil-paragrafi (b) sa (e) tas-subartikolu (3) ta' l-artikolu 4 ta' dan l-Att kif jinsabu fin-nota magħmula skond l-artikolu 5 ikunu korretti.

(2) Is-subartikoli (6) sa (9) ta' l-artikolu 4 ta' dan l-Att għandhom ikunu japplikaw għall-ispezzjoni li ssir mill-Kummissarju Speċjali skond is-subartikolu (1) ta' dan l-artikolu.

(3) Id-dispożizzjonijiet tas-subartikoli ta' qabel dan għandhom ikunu japplikaw *mutatis mutandis* għal Nutar għar-rigward ta' atti nutarili mhux spezzjonati li huwa jkun Konservatur tagħhom skond il-Liġi Nutarili.

7. Nutar li jikser xi dispożizzjoni ta' dan l-Att ikun ħati ta' nuqqas mid-dmirijiet tiegħu u jista' jeħel il-piena dixxiplinari li hemm maħsuba fl-artikolu 132 tal-Liġi Nutarili. Dik il-piena għandha tingħata mill-Qorti ta' Reviżjoni wara li jkunu saru proċeduri li għandhom jinbdew permezz ta' rikors li jiġi ppreżentat għal dak l-għan mill-Kummissarju Speċjali. Id-dispożizzjonijiet ta' l-artikolu 112 u tat-Titolu II tat-Taqsima (vi) tal-Liġi Nutarili għandhom ikunu japplikaw għal dik il-piena dixxiplinari. Pieni għal ksur ta' dan l-Att.

8. Il-Ministru jista' jagħmel regolamenti b'mod ġenerali għat-twettiq aħjar tad-dispożizzjonijiet ta' dan l-Att u b'mod partikolari iżda mingħajr preġudizzju għall-ġeneralita' ta' dak hawn aktar qabel imsemmi, huwa jista' b'dawk ir-regolamenti: Setgħa ta' għemil ta' regolamenti.

(a) jippreskrivi kull proċedura li għandha tiġi segwita fit-twettiq tad-dispożizzjonijiet ta' dan l-Att, u

(b) jestendi d-dispożizzjonijiet ta' dan l-Att għal atti nutarili mhux spezzjonati wara t-30 ta' Ġunju, 2000.

Għanijiet u Raġunijiet

L-għan ta' l-Abbozz hu sabiex jagħmel dispożizzjonijiet temporanji għall-ispezzjoni ta' Atti Nutarili li għadhom ma ġewx spezzjonati mill-Qorti ta' Reviżjoni ta' l-Atti Nutarili u għat-tqegħid ta' dawk l-Atti fl-Arkivji Nutarili.

A BILL
entitled

AN ACT to make provision for the deposit of Notarial Acts at the Archives before they are inspected in terms of section 117 of the Notarial Profession and Notarial Archives Act, Cap. 55.

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 and coming into force.

1. This Act may be cited as the Notarial Acts (Temporary Provisions) Act, 1999, and shall come into force on such date as the Minister responsible for the Notarial Archives may by Order in the Gazette establish.

Interpretation.

2. (1) In this Act, unless the context otherwise requires:

"Archives" and "Archivist" mean the archives and the archivist referred to in section 95 of the Notarial Law;

"Court of Revision" means the Court of Revision of Notarial Acts referred to in section 110 of the Notarial Law;

Cap. 296.

"Land Registry Applications" means applications made pursuant to the provisions of the Land Registry Act;

"Minister" means the Minister responsible for the Notarial Archives;

Cap. 55.

"Notarial Law" means the Notarial Profession and Notarial Archives Act;

"Public Registry Notes" means notes entered in the Public Registry pursuant to the Notarial Law or the Public Registry Act; Cap. 56.

"Special Commissioner" means a Special Commissioner for Notarial Acts appointed in terms of section 3 of this Act;

"Uninspected notarial acts" and "uninspected acts" mean those original notarial acts which have not been inspected and deposited in the Archives in accordance with section 117 of Notarial Law.

(2) Unless the context otherwise requires, indices, notarial acts, registers and volumes refer to such expressions as used in Notarial Law.

Special Commissioner for Notarial Acts.

3. (1) The Minister shall by not later than two months from the coming into force of this Act appoint a Special Commissioner for Notarial Acts having the powers and functions set out in this Act.

(2) The Minister may at any time appoint further Special Commissioners as circumstances may demand.

(3) A Special Commissioner shall be appointed by the Minister for a term not exceeding three years as may be established in his letter of appointment and may be reappointed for further periods each of not more than eighteen months.

(4) (a) No person shall be qualified to be appointed as Special Commissioner unless he -

(i) is a judge or magistrate; or

(ii) is a notary who has retired from legal practice; or

(iii) is an advocate or a legal procurator; or

(iv) is a public officer in Government employment not below the rank of principal:

Provided that a public officer who is posted at the Archives shall not be qualified to be appointed as Special Commissioner.

(b) A Special Commissioner who is not a judge, or magistrate, or a retired notary, advocate or legal procurator, shall be debarred from inspecting wills.

(c) A Special Commissioner shall not start inspecting acts unless he has taken before the Attorney General the oath of office in the following terms:

"I, ... swear to exercise to the best of my ability the office of Special Commissioner for Notarial Acts. So help me God.".

Notary may request deposit of uninspected acts.

4. (1) Every Notary may request to deposit at the Archives any uninspected notarial acts received by him.

Provided that no such request may be made in respect of uninspected acts received by the Notary after June of the year in which the request is made if the request is made after June in any year, and after December of the preceding year if the request is made before June in any year.

(2) Such a request shall be made by means of an application filed in the Court of Revision requesting the Special Commissioner to fix the date, time and place when the Special Commissioner shall inspect the notarial acts.

(3) Together with the application the notary shall file a note indicating:

(a) the number of volumes of acts *inter vivos* and *causa mortis* to which the request refers;

(b) the number of acts in each volume;

(c) the number of pages in each volume indicating the number of the first and last page;

(d) the progressive number of the first act and of the last act in each volume;

(e) the date of the first and of the last act in each volume;

(f) a declaration stating that the registers of the said acts have been prepared; and

(g) a declaration that all Public Registry Notes have been filed in the Public Registry and all Land Registry applications relative to the Acts contained in the volumes have been lodged.

(4) The application and note filed in accordance with this section shall be served on the Special Commissioner by the Registrar of the Court of Revision within three working days of their filing.

(5) (a) The Special Commissioner shall, by not later than one month from the date of filing of the application made according to subsection (2) of this section, by summons under his hand, call on the Notary to produce the uninspected acts in bound form together with their respective indices at such date, time and place as may be indicated in the summons and each volume shall be inspected by the Special Commissioner limitedly to ascertain that the note filed in accordance with subsection (3) is correct as to the particulars referred to in paragraphs (b) to (e) of the same subsection of this section in respect of each volume.

(b) The Special Commissioner may ask the Notary, where possible, to correct any inaccuracies in the enumeration of acts, their pagination and in their sequence.

(c) The Special Commissioner shall on the last page of each volume enter and sign a declaration that such volume has been inspected by him in accordance with this Act.

(6) (a) The Special Commissioner shall further, make a *procès-verbal* of such inspection indicating any discrepancy resulting from the particulars given in the note filed according to subsection (3) of this section. The *procès-verbal* shall be signed by the Special Commissioner and the Notary. Together with the *procès-verbal* the Special Commissioner shall annex a copy of the aforesaid note, which shall also be signed by the Special Commissioner and the Notary.

(b) Within seven working days from date of the *procès-verbal* the Special Commissioner shall cause -

(i) one copy thereof to be filed in the Registry of the Court of Revision; and

(ii) one copy thereof to be served on the Notary.

(7) Within fifteen working days from the date of the *procès-verbal* mentioned in subsection (6) of this section, the Special Commissioner shall deposit in the Archives the volumes of original acts inspected by him and their relative indices. The Special Commissioner shall deliver two copies of the *procès-verbal* to the Archivist who shall acknowledge receipt of the volumes and indices by signing one of them and returning it to the Special Commissioner.

(8) As soon as the volumes and indices are handed over to the Archivist, they shall be deemed to have been regularly deposited thereat in accordance with the provisions of Notarial Law and the Archivist shall deal with them accordingly.

Provided that nothing herein contained shall preclude the carrying out of an inspection in accordance with the provisions of Notarial Law of the Acts so deposited and their respective registers. Such inspection of acts deposited in the Archives shall be carried out at the Archives.

(9) The provisions of the foregoing subsections shall apply *mutatis mutandis* to a Notary with respect to uninspected notarial acts of which he is a Keeper in terms of Notarial Law.

Compulsory deposit.

5. (1) Each notary, shall, by not later than 1st October, 2000, file in the Registry of the Court of Revision a note containing the information and declarations referred to subsection (3) of section (4) of this Act in respect of any uninspected acts received by him up to the 30th June, 2000.

(2) The notes filed in accordance with this subsection shall be served on the Special Commissioner for Notarial Acts within three working days.

(3) A notary who has not prepared all the registers in respect of uninspected acts to which this section refers shall indicate in the note the acts in respect of which the registers are still to be drawn up.

(4) A notary who has not yet filed all the Public Registry notes or lodged all Land Registry applications in connection with or pursuant to uninspected acts to which this section refers shall indicate in the note the acts in respect of which such notes and applications have not been filed or lodged.

(5) Every notary shall within one year from the note made in accordance with subsection (1) of this section prepare the registers that still require to be drawn up.

(6) Every notary shall within two months from the said note enter in the Public Registry such notes that still require to be entered in the Public Registry and lodge in the Land Registry the applications that still require to be lodged therein.

(7) Without prejudice to any civil liability for damages incurred in connection therewith, where any of the registers have not been prepared or any Public Registry notes have not been entered or

any Land Registry applications have not been lodged, no disciplinary penalty may be imposed in accordance with Notarial Law and the Land Registration Act in respect of any such omission declared in accordance with subsections (3) and (4) of this section provided that the registers are prepared within the period specified in subsection (5) of this section and all the notes entered and applications lodged within the period specified in subsection (6) of this section.

(8) Notwithstanding any provision of the Notarial Law, a Notary who has made a declaration in accordance with subsection (3) hereof may prepare any such register to which the declaration refers, in whole or in part, by photocopying on plain paper the original acts and the documents annexed thereto.

(9) A Notary who has made a declaration in accordance with subsections (3) or (4) of this section shall within one year from the declaration referred to in subsection (1) of this section in the case of the registers and within two months from the said declaration in the case of the Public Registry Notes and Land Registry applications, file separate notes in the Court of Revision indicating that all outstanding registers referred to in the declaration have been prepared and all the notes and applications referred to in the declaration have been entered or lodged. The notes filed in accordance with this subsection shall be served within three working days on the Special Commissioner.

(10) The provisions of the foregoing subsections shall apply *mutatis mutandis* to a Notary with respect to uninspected notarial acts of which he is a Keeper in terms of Notarial Law.

Inspection of acts to which section 5 refers.

6. (1) The Special Commissioner shall from time to time, after 1st October 2001, by summons under his hand, call on Notaries having uninspected acts to which section 5 refers to produce any or all such uninspected notarial acts in bound form with their respective indices at such date, time and place as may be indicated in the summons and each volume shall be inspected by the Special Commissioner limitedly to ascertain that the particulars referred to in paragraphs (b) to (e) of subsection (3) of section 4 of this Act as contained in the note made in accordance with section 5 are correct.

(2) Subsections (6) to (9) of section 4 of this Act shall apply to the inspection carried out by the Special Commissioner according to subsection (1) of this section.

(3) The provisions of the foregoing subsections shall apply *mutatis mutandis* to a Notary with respect to uninspected notarial acts of which he is a Keeper in terms of Notarial Law.

Penalties for contraventions of this Act.

7. Any notary who contravenes any of the provisions of the Act shall be guilty of a breach of duty and shall be liable to the disciplinary punishment contemplated in section 132 of the Notarial Law. Such punishment shall be imposed by the Court of Revision following procedures which shall be initiated by an application filed for the purpose by the Special Commissioner. The provisions of section 112 and of Title II of Part VI of the Notarial Law shall apply to such disciplinary punishment.

Power to make regulations.

8. The Minister may make regulations generally for the better carrying out of the provisions of this Act and in particular but without prejudice to the generality of the foregoing may by such regulations:

(a) prescribe any procedure that is to be followed in carrying out the provisions of this Act, and

(b) extend the provisions of this Act to uninspected notarial acts received after the 30th June 2000.

Objects and Reasons

The object of the Bill is to make temporary provision for the inspection of Notarial Acts not yet inspected by the Court of Revision of Notarial Acts and for the deposit of such Acts in the Notarial Archives.

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