

MALTA

ATT Nru XLVII tal-2020

ATT maħruġ b'ligi mill-Parlament ta' Malta.

ATT sabiex jemenda t-Tieni Skeda li tinsab mal-Kodiċi Ċivili, Kap. 16, u l-Att dwar il-Kumpaniji, Kap. 386, u biex jipprovdi dwar hwejjeġ li għandhom x'jaqsmu magħhom jew huma ancillari għalihom.

ACT No. XLVII of 2020

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Second Schedule to the Civil Code, Cap. 16, and the Companies Act, Cap. 386, and to provide for related and ancillary provisions.

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE VELLA
President

11 ta' Awwissu, 2020

ATT Nru XLVII tal-2020

ATT sabiex jemenda t-Tieni Skeda li tinsab mal-Kodiċi Ċivili, Kap. 16 u l-Att dwar il-Kumpaniji, Kap. 386 u biex jipprovi dwar hwejjeġ li għandhom x'jaqsmu magħhom jew huma ancillari għalihom.

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2020 li jemenda l-Kodiċi Ċivili u Ligijiet Varji. Titolu fil-qosor.

TAQSIMA I
Emendi tal-Kodiċi Ċivili

2. Din it-Taqsima temenda l-Kodiċi Ċivili u għandha tinqara u tinftiehem haġa wahda mal-Kodiċi Ċivili, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-Kodiċi". Emendi għall-Kodiċi Ċivili. Kap. 16.

3. Is-subartikolu (13) tal-artikolu 1 tat-Tieni Skeda li tinsab mal-Kodiċi għandu jiġi emendat kif ġej: Emenda tal-artikolu 1 tat-Tieni Skeda li tinsab mal-Kodiċi Ċivili.

(a) fis-subparagrafu (x) tal-paragrafu (o) tiegħu, il-kliem "Ministru responsabbli għall-gustizzja" għandhom jiġu sostitwiti bil-kelma "Ministru"; u

(b) fil-paragrafu (r) tiegħu, il-kliem "għandha tkun bizzejjed." għandhom jiġu sostitwiti bil-kliem "għandha tkun bizzejjed;" u minnufih wara għandhom jiżdiedu l-paragrafi godda li ġejjin:

"(s) il-kliem "Registratur għall-Persuni Ġuridiċi", kull fejn jinsab f'din l-Iskeda, għandu għal kull effetti tal-liġi jfisser "ir-Registratur tal-Kumpaniji" kif imfisser fl-artikoli 400 u 401 tal-Att dwar il-Kumpaniji;

(t) "Ministru" tfisser, sakemm ma jingħadx mod ieħor, il-Ministru responsabbli għar-registrazzjoni ta' soċjetajiet kummerċjali."

Emenda ġenerali.

4. Il-kliem "Ministru responsabbli għall-ġustizzja", kull fejn jinsabu, għandhom jiġu sostitwiti bil-kelma "Ministru".

Emenda għan-nota marginali tal-artikolu 11 tat-Tieni Skeda li tinsab mal-Kodiċi.

5. In-nota marginali tal-artikolu 11 tat-Tieni Skeda li tinsab mal-Kodiċi għandha tiġi sostitwita bil-kliem "Dmirijiet tar-Registratur".

Emenda tal-artikolu 11 tat-Tieni Skeda li tinsab mal-Kodiċi.

6. L-artikolu 11 tat-Tieni Skeda li tinsab mal-Kodiċi għandu jiġi emendat kif ġej:

(a) is-subartikoli (1) u (2) tiegħu għandhom jiġu mħassra;

(b) is-subartikoli (3), (4) u (5) tiegħu għandhom jiġu enumerati mill-ġdid bhala s-subartikoli (1), (2) u (3) rispettivament; u

(ċ) fis-subartikolu (3) tiegħu, kif enumerat mill-ġdid, il-kliem "jiffirma parti mir-Registru Pubbliku" għandhom jiġu sostitwiti bil-kliem "jiffirma parti mir-Registru dwar in-Negozju ta' Malta".

TAQSIMA II

Emendi tal-Att dwar il-Kumpaniji

Emendi għall-Att dwar il-Kumpaniji. Kap. 386.

7. Din it-Taqsima temenda l-Att dwar il-Kumpaniji, u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Kumpaniji, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emenda tal-artikolu 401 tal-Att prinċipali.

8. Fil-paragrafu (h) tas-subartikolu (1) tal-artikolu 401 tal-Att prinċipali, il-kliem "liberu ta' *data*." għandhom jiġu sostitwiti bil-kliem "liberu ta' *data*;" u minnufih wara għandu jiżdied il-paragrafu ġdid li ġej:

"(i) li jeżerċita l-funzjonijiet ta' Registratur għal persuni ġuridiċi oħra kif elenkati u speċifikati fit-Tieni Skeda li tinsab mal-Kodiċi Ċivili, u l-liġi sussidjarja maħruġa bis-saħħa ta' dik it-Tieni Skeda."

TAQSIMA III

Emendi Konsegwenzjali tal-Legizlazzjoni Sussidjarja

9. Din it-Taqsima temenda r-Regolamenti Dwar Ir-Registru Ta' Sidien Benefiċjarji – Assoċjazzjonijiet (It-Tieni Skeda) (Kodiċi Ċivili) u għandha tinqara u tinftiehem haġa waħda mar-Regolamenti Dwar Ir-Registru Ta' Sidien Benefiċjarji – Assoċjazzjonijiet (It-Tieni Skeda) (Kodiċi Ċivili), hawn iżjed 'il quddiem f'din it-Taqsima msejha "ir-regolamenti prinċipali".

Emendi tar-Regolamenti Dwar Ir-Registru Ta' Sidien Benefiċjarji – Assoċjazzjonijiet (It-Tieni Skeda) (Kodiċi Ċivili). L.S. 16.17.

10. Ir-regolament 2 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:

Emenda tar-regolament 2 tar-regolamenti prinċipali.

(a) it-tifsira "Ministru" għandha tigi sostitwita bit-tifsira ġdida li ġejja:

" "Ministru" tfisser il-Ministru responsabbli għar-registrazzjoni ta' Kumpaniji b'responsabbiltà limitata u soċjetajiet kummerċjali;" u

(b) it-tifsira "Registru għal Persuni Ġuridiċi" għandha tigi mħassra.

11. Fil-paragrafu (d) tas-subregolament (3) tar-regolament 3 tar-regolamenti prinċipali, il-kliem "Ministru għall-gustizzja" għandhom jiġu sostitwiti bil-kelma "Ministru".

Emenda tar-regolament 3 tar-regolamenti prinċipali.

TAQSIMA IV

Emendi Konsegwenzjali tal-Legizlazzjoni Sussidjarja

12. Din it-Taqsima temenda r-Regolamenti dwar ir-Registru ta' Sidien Benefiċjarji – Fondazzjonijiet (It-Tieni Skeda) (Kodiċi Ċivili) u għandha tinqara u tinftiehem haġa waħda mar-Regolamenti dwar ir-Registru ta' Sidien Benefiċjarji – Fondazzjonijiet (It-Tieni Skeda) (Kodiċi Ċivili), hawn iżjed 'il quddiem f'din it-Taqsima msejha "ir-regolamenti prinċipali".

Emendi tar-Regolamenti dwar ir-Registru ta' Sidien Benefiċjarji – Fondazzjonijiet (It-Tieni Skeda) (Kodiċi Ċivili). L.S. 16.18.

13. Ir-regolament 2 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:

Emenda tar-regolament 2 tar-regolamenti prinċipali.

(a) it-tifsira "Ministru" għandha tigi sostitwita bit-tifsira ġdida li ġejja:

" "Ministru" tfisser il-Ministru responsabbli għar-registrazzjoni ta' Kumpaniji b'responsabbiltà limitata u soċjetajiet kummerċjali;" u

(b) it-tifsira "Registru għal Persuni Ġuridiċi" għandha

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tiġi mħassra.

Emenda tar-
regolament 3
tar-regolamenti
prinċipali.

14. Fil-paragrafu (ċ) tas-subregolament (1) tar-regolament 3 tar-regolamenti prinċipali, il-kliem "Ministru responsabbli għall-ġustizzja" għandhom jiġu sostitwiti bil-kelma "il-Ministru".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 366 tad-29 ta' Lulju, 2020.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE VELLA
President

11th August, 2020

ACT No. XLVII of 2020

An ACT to amend the Second Schedule to the Civil Code, Cap. 16 and the Companies Act, Cap. 386 and to provide for related and ancillary provisions.

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:-

1. The short title of this Act is the Civil Code and Various Laws (Amendment) Act, 2020. Short title.

PART I
Amendments to the Civil Code

2. This Part amends the Civil Code and it shall be read and construed as one with the said Civil Code, hereinafter in this Part referred to as "the Code". Amendments to the Civil Code. Cap. 16.

3. Sub-article (13) of article 1 of the Second Schedule to the Code shall be amended as follows: Amendment to article 1 of the Second Schedule to the Civil Code.

(a) in sub-paragraph (x) of paragraph (o) thereof, the words "Minister responsible for justice" shall be substituted by the word "Minister"; and

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(b) in paragraph (r) thereof, the words "instrument shall suffice." shall be substituted by the words "instrument shall suffice;" and immediately thereafter there shall be added the following new paragraphs:

"(s) the words "Registrar for Legal Persons", wherever they appear in this Schedule shall for all intents and purposes of law be deemed to mean "The Registrar of Companies" as defined in articles 400 and 401 of the Companies Act;

(t) "Minister" means, unless not otherwise specified, the Minister responsible for the registration of limited liability companies and commercial partnerships."

General amendment.

4. The words "Minister responsible for Justice", wherever they occur, shall be substituted by the word "Minister".

Amendment of the marginal note to article 11 of the Second Schedule to the Code.

5. The marginal note to article 11 of the Second Schedule to the Code shall be substituted by the words "Duties of the Registrar".

Amendment of article 11 of the Second Schedule to the Code.

6. Article 11 of the Second Schedule to the Code shall be amended as follows:

(a) sub-articles (1) and (2) thereof shall be deleted;

(b) sub-articles (3), (4) and (5) thereof shall be renumbered as sub-articles (1), (2) and (3) respectively; and

(c) in sub-article (3) thereof as renumbered, the words "shall form part of the Public Registry" shall be substituted by the words "shall form part of the Malta Business Registry".

PART II

Amendments to the Companies Act

Amendments to the Companies Act. Cap. 386.

7. This Part amends the Companies Act and it shall be read and construed as one with the Companies Act, hereinafter in this Part referred to as "the principal Act".

Amendment of article 401 of the principal Act.

8. In paragraph (h) of sub-article (1) of article 401 of the principal Act, the words "of such data." shall be substituted by the words "of such data;" and immediately thereafter there shall be added the following new paragraph:

"(i) to exercise the functions of Registrar for other legal persons as listed and specified in the Second Schedule of the

Civil Code and the subsidiary legislation made as authorised by the said Second Schedule."

PART III

Consequential Amendments to Subsidiary Legislation

9. This Part amends the Civil Code (Second Schedule) (Register of Beneficial Owners – Associations) Regulations and it shall be read and construed as one with the said Civil Code (Second Schedule) (Register of Beneficial Owners – Associations) Regulations, hereinafter in this Part referred to as "the principal regulations".

Amendments to the Civil Code (Second Schedule) (Register of Beneficial Owners – Associations) Regulations. S.L. 16.17.

10. Regulation 2 of the principal regulations shall be amended as follows:

Amendment of regulation 2 of the principal regulations.

(a) the definition "Minister" shall be substituted by the following new definition:

" "Minister" means the Minister responsible for the registration of limited liability companies and commercial partnerships;" and

(b) the definition "Registrar of Legal Persons" shall be deleted.

11. In paragraph (d) of sub-regulation (3) of regulation 3 of the principal regulations, the words "Minister responsible for Justice" shall be substituted by the word "Minister".

Amendment of regulation 3 of the principal regulations.

PART IV

Consequential Amendments to Subsidiary Legislation

12. This section amends the Civil Code (Second Schedule) (Register Of Beneficial Owners – Foundations) Regulations and it shall be read and construed as one with the said Civil Code (Second Schedule) (Register Of Beneficial Owners – Foundations) Regulations, hereinafter in this Part referred to as "the principal regulations".

Amendments to the Civil Code (Second Schedule) (Register Of Beneficial Owners – Foundations) Regulations. S.L. 16.18.

13. Regulation 2 of the principal regulations shall be amended as follows:

Amendment of regulation 2 of the principal regulations.

(a) the definition "Minister" shall be substituted by the following new definition:

" "Minister" means the Minister responsible for the registration of limited liability companies and commercial

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partnerships."; and

(b) the definition "Registrar for Legal Persons" shall be deleted.

Amendment of regulation 3 of the principal regulations.

14. In paragraph (c) of sub-regulation (1) of regulation 3 of the principal regulations, the words "Minister responsible for Justice" shall be substituted by the word "Minister".

Passed by the House of Representatives at Sitting No. 366 of the 29th July, 2020.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA