

MALTA

ATT Nru. V ta' l-1993

ACT No. V of 1993

ATT mahruġ b'liġi mill-Parlament ta' Malta.

AN ACT enacted by the Parliament of Malta.

ATT biex ikompli jemenda l-Kodiċi Ċivili, Kap. 16.

AN ACT further to amend the Civil Code, Cap. 16.

Naghti l-kunsens tiegħi.

(L.S.)

ĊENSU TABONE
President

12 ta' Frar, 1993

ATT Nru. V ta' l-1993

ATT biex ikompli jemenda l-Kodiċi Ċivili, Kap. 16.

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

1. Dan l-Att jista' jissejjah l-Att ta' l-1993 li jemenda l-Kodiċi Ċivili, u għandu jinqara u jiftiehem haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem imsejjah "il-Kodiċi".

Titolu
fil-Qosor.
Kap. 16.

2. Minflok is-subartikolu (3) ta' l-artikolu 611 tal-Kodiċi għandu jidhol dan li ġej:

Emenda ta'
l-artikolu 611
tal-Kodiċi.

"Kemm-il darba daww il-persuni jiġu maħlulin skond il-ligi mill-voti tagħhom, huma jergħu jakkwistaw il-kapaċità li jirċievu b'testament, kif ukoll li jiddisponu mill-beni li jkunu akkwistaw wara, u kull dispożizzjoni magħmula favur persuna li fi żmien il-mewt tat-testatur kienet membru ta' ordni reliġjuż jew ta' xirka reliġjuża ta' regolari għandha tibqa' sospiża sakemm dik il-persuna jew tiġi maħlula mill-voti tagħha kif imsemmi qabel jew tmut filwaqt li tkun għadha membru ta' dak l-ordni jew xirka, u għandha tkun bla ebda effett jekk il-persuna, li tkun saret favur tagħha, tmut filwaqt li tkun għadha membru 5hal dak."

3. L-artikolu 1987 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda ta'
l-artikolu 1987
tal-Kodiċi.

(a) fis-subartikolu (3) tiegħu minflok il-kliem "kemm-il darba jitharsu d-dispożizzjonijiet tas-subartikolu (4) ta' dan l-artikolu." għandhom jidhru l-kliem "kemm-il darba l-imsemmi att pubbliku jiġi insinwat fir-Registru Pubbliku bhala trasferiment b'titolu ta' bejgħ."; u

(b) minflok is-subartikolu (4) tiegħu għandu jidhol dan li ġej:

“(4) L-insinwa msemija fis-subartikolu (3) ta’ dan l-artikolu tista’ ssir f’kull żmien mill-kreditur jew minn kull min jikseb il-jedd mingħand il-kreditur.”.

Dispożizzjoni
transitorja.

4. Id-dispożizzjonijiet ta’ l-artikolu 2 ta’ dan l-Att għandhom japplikaw ukoll għal kull dispożizzjoni magħmula favur persuna msemija fis-subartikolu (2) ta’ l-artikolu 611 ta’ dan il-Kodiċi, li tkun tinsab f’testment magħmul qabel id-dhul fis-sehħ ta’ dan l-Att li jkun jirregola suċċessjoni li tinfetħ wara d-dhul fis-sehħ ta’ dan l-Att.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 103 tat-8 ta’ Frar, 1993.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

CENSU TABONE
President

12th February, 1993

ACT No. V of 1993

AN ACT further to amend the Civil Code, Cap. 16.

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. This Act may be cited as the Civil Code (Amendment) Act, 1993, and shall be read and construed as one with the Civil Code, hereinafter referred to as “the Code”. Short title.
Cap. 16.

2. For subsection (3) of section 611 of the Code there shall be substituted the following: Amendment of
section 611
of the Code.

“(3) Where such persons are lawfully released from their vows, they shall again acquire the capacity to receive under a will, as well as to dispose of such property as they may have subsequently acquired, and any disposition made in favour of a person who at the time of the testator’s death was a member of a monastic order or of a religious corporation of regulars shall remain suspended until such person is either released from his vows as aforesaid or dies while still a member of such order or corporation, and shall be ineffectual if the person, in whose favour it is made, dies while still such a member.”.

3. Section 1987 of the Code shall be amended as follows: Amendment of
section 1987
of the Code.

(a) in subsection (3) thereof for the words “provided that the provisions of subsection (4) of this section are complied with.”, there shall be substituted the words “provided the said public deed is enrolled in the Public Registry as a transfer by title of sale.”; and

(b) for subsection (4) thereof there shall be substituted the following:

“(4) The enrolment referred to in subsection (3) of this section may be made at any time by the creditor or by any person deriving title from the creditor.”.

Transitory provisions.

4. The provisions of section 2 of this Act shall also apply to any disposition made in favour of any person referred to in subsection (2) of section 611 of this Code, contained in any will drawn up before the coming into force of this Act regulating a succession opening after the coming into force of this Act.

Passed by the House of Representatives at Sitting No. 103 of the 8th February, 1993.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives

