

Nru. 13

2. 6. 92

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Joseph Fenech, M.P., Ministru tal-Ġustizzja, u moqri għall-Ewwel darba fis-Seduta ta' l-1 ta' Ġunju, 1992.

A BILL introduced by the Honourable Joseph Fenech, M.P., Minister of Justice, and read the First time at the Sitting of the 1st June, 1992.

ATT biex jemenda l-Kodiċi Ċivili, Kap. 16

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

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

RICHARD J. CAUCHI
Clerk to the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex 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'liġi dan li ġej:—

1. Dan l-Att jista' jissejjah l-Att ta' l-1992 li jemenda l-Kodiċi Ċivili, u għandu jinqara u jftiehem haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem imsejjah "il-liġi prinċipali".

Titolu fil-qosor.
Kap. 16

2. Minnufih wara s-subartikolu (4) ta' l-artikolu 1852 tal-liġi prinċipali għandu jżied is-subartikolu (5) li ġej:

Emenda ta'
l-artikolu 1852
tal-liġi prinċipali.

"(5) Minkejja kull haġa fid-dispożizzjonijiet ta' qabel ta' dan l-artikolu, jew f'xi dispożizzjoni oħra ta' liġi, iżda bla ħsara għad-dispożizzjonijiet ta' l-Att dwar il-Kontroll fuq il-Kambju, fejn ikun hemm obligazzjoni għal hłas ta' imġax b'rata oġhla minn tmienja fil-mija fis-sena taht liġi ta' pajjiż li mhux Malta, jew tkun regolata minn dik il-liġi, skond il-kondizzjonijiet tas-suq li jkunu jipprevalu f'dak il-pajjiż l-ieħor jew skond kondizzjonijiet tas-suq internazzjonali, u l-ammont ikun iddeterminat u pagabbli f'valuta barranija, dik ir-rata oġhla ta' imġax għandha għal finijiet u effetti kollha tkun rikonoxxuta bħala valida u esegwibbli f'Malta."

Kap 233

Għanijiet u Raġunijiet

L-Għan ta' l-Abbozz hu biex jirrikonoxxi l-validità ta' obbligu ta' hłas ta' imġax b'aktar minn tmienja fil-mija f'ċerti każi fejn l-obbligu jkun taht liġi barranija.

**A BILL
entitled**

AN ACT 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:—

Short title.

Cap. 16

1. This Act may be cited as the Civil Code (Amendment) Act, 1992, and shall be read and construed as one with the Civil Code, hereinafter referred to as “the principal law”.

Amendment of
section 1852
of the
principal law.

Cap. 233

2. Immediately after subsection (4) of section 1852 of the principal law there shall be added the following subsection (5):

“(5) Notwithstanding anything contained in the foregoing provisions of this section, or in any other provision of law, but without prejudice to the provisions of the Exchange Control Act, where an obligation to pay interest at a rate higher than eight per cent per annum arises under the law of a country other than Malta, or is regulated by such a law, in accordance with market conditions prevailing in such other country or with international market conditions, and the amount is denominated and payable in a foreign currency, such higher rate of interest shall for all intents and purposes be recognized as valid and be enforceable in Malta.”

Objects and Reasons

The Object of the Bill is to give recognition to the validity of an obligation to pay interest at a rate higher than eight per cent in certain cases where the obligation arises under a foreign law.

A BILL
entitled

to amend the Civil Code, Cap. 10

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:—

Enacted

Cap. 10

Amendment of
section 1031
of the
principal law

Enacted

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".

2. Immediately after subsection (4) of section 1031 of the principal law there shall be added the following subsection (5):—

(5) Notwithstanding anything contained in the foregoing and in any other provision of law, no contract or order, to the provisions of the Exchange Control Act, which is an obligation to pay interest at a rate higher than eight per cent per annum under the law of a country other than Malta, or is regulated by such a law, in accordance with market conditions prevailing in such other country or with international market conditions, and the amount is denominated and payable in a foreign currency, such higher rate of interest shall for all legal purposes be recognized as valid and be enforceable in Malta.

Objects and Reasons