

MALTA

ATT Nru LXI tal-2020

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

ATT sabiex jemenda l-Att dwar il-Professjoni Nutarili u Arkivji Nutarili, Kap. 55, u liġijiet oħrajn b'konnessjoni mal-ugwaljanza bejn is-sessi fl-abbozzar ta' atti uffiċjali, u biex jipprovdi dwar hwejjeġ li għandhom x'jaqsmu magħhom jew huma aċċillari għalihom.

ACT No. LXI of 2020

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Notarial Profession and Notarial Archives Act, Cap. 55, and various laws in connection with gender equality in the drafting of public deeds and to provide for related and ancillary provisions.

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE VELLA
President

22 ta' Dicembru, 2020

ATT Nru LXI tal-2020

ATT sabiex jemenda l-Att dwar il-Professjoni Nutarili u Arkivji Nutarili, Kap. 55., u liġijiet oħrajn b'konnessjoni mal-ugwaljanza bejn is-sessi fl-abbozzar ta' atti uffiċjali, 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, ħareġ b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2020 li jemenda l-Att dwar il-Professjoni Nutarili u Arkivji Nutarili u Liġijiet Varji. Titolu fil-qosor.

TAQSIMA I

Emenda għall-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili

2. Din it-Taqsima temenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u għandha tinqara u tinftiehem haġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-Kodiċi". Emenda tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kap. 12.

3. Il-paragrafu (b) tal-artikolu 529 tal-Kodiċi għandu jiġi sostitwit bil-paragrafu ġdid li ġej: Emenda tal-artikolu 529 tal-Kodiċi.

Kap. 16. "(b) id-dettalji personali tat-testatur, kif elenkati fl-artikolu 2042 (a) u (b) tal-Kodiċi Ċivili;"

TAQSIMA II
Emenda għall-Kodiċi Ċivili

Emenda tal-Kodiċi Ċivili. Kap. 16.

4. Din it-Taqsima temenda l-Kodiċi Ċivili u għandha tinqara u tinftiehem haġa waħda mal-Kodiċi Ċivili, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-Kodiċi".

Emenda tal-artikolu 2042 tal-Kodiċi.

5. L-artikolu 2042 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) il-paragrafu (a) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(a) fir-rigward tal-kreditur:

(i) l-isem, il-kunjom attwali, u l-kunjom tat-twelid tiegħu, fejn dan ikun differenti mill-kunjom attwali;

(ii) in-numru ta' dokument ta' identifikazzjoni legalment validu tiegħu miktub bil-figuri biss, u fejn ma jistax ikollu tali dokument, in-numru f'dokument ieħor ta' identifikazzjoni;

(iii) il-lok u d-data tat-twelid;

(iv) fejn joqgħod;

(v) jekk huwiex miżżewweġ jew le; f'unjoni ċivili jew le; f'koabitazzjoni jew le; separat; divorzjat; annullat; jew armel; u

(vi) l-isem, il-kunjom attwali, u l-kunjom tat-twelid tal-ġenituri tiegħu, fejn dan ikun differenti mill-kunjom attwali:

Iżda d-Direttur tar-Registru Pubbliku jista', fid-diskrezzjoni tiegħu, jaċċetta noti f'dawk il-każi biss fejn ikun manifestament impossibbli li kwalunkwe mid-dettalji jiġu identifikati:

Iżda wkoll id-Direttur tar-Registru Pubbliku għandu jkollu d-dritt illi jitlob li jiġu pprezentati l-partikolaritajiet ohra li, fil-fehma tad-Direttur, iservu sabiex jiġi identifikat il-kreditur, jew kwalsiasi dettall, b'żieda jew bi tnaqqis minn dawn elenkati, li l-Ministru jista', minn żmien għal żmien, jindika permezz ta' regolamenti."; u

(b) il-paragrafu (b) tiegħu għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(b) fir-rigward tad-debitur:

(i) l-isem, il-kunjom attwali, u l-kunjom tat-twelid tiegħu, fejn dan ikun differenti mill-kunjom attwali;

(ii) in-numru ta' dokument ta' identifikazzjoni legalment validu tiegħu miktub bil-figuri biss, u fejn ma jistax ikollu tali dokument, in-numru f'dokument ieħor ta' identifikazzjoni;

(iii) il-lok u d-data tat-twelid;

(iv) fejn joqgħod;

(v) jekk huwiex miżżewweġ jew le; f'unjoni civili jew le; f'koabitazzjoni jew le; separat; divorzjat; annullat; jew armel; u

(vi) l-isem, il-kunjom attwali, u l-kunjom tat-twelid tal-ġenituri tiegħu, fejn dan ikun differenti mill-kunjom attwali:

Iżda d-Direttur tar-Registru Pubbliku jista', fid-diskrezzjoni tiegħu, jaċċetta noti f'każi fejn ikun manifestament impossibbli li kwalunkwe mid-dettalji jiġu identifikati:

Iżda wkoll id-Direttur tar-Registru Pubbliku għandu jkollu d-dritt illi jitlob li jiġu pprezentati l-partikolaritajiet oħra li, fil-fehma tad-Direttur, iservu sabiex jiġi identifikat id-debitur, jew kwalsiasi dettall, b'żieda jew bi tnaqqis minn dawn elenkati, li l-Ministru jista', minn żmien għal żmien jindika permezz ta' regolamenti:".

TAQSIMA III

Emendi għall-Att dwar il-Professjoni Nutarili u Arkivji Nutarili

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

Emendi tal-Att
dwar il-
Professjoni
Nutarili u
Arkivji Nutarili.
Kap. 55.

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Emenda tal-artikolu 28 tal-Att prinċipali.

7. Il-paragrafu (ċ) tas-subartikolu (1) tal-artikolu 28 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subparagrafu (i) tiegħu għandu jiġi sostitwit bis-subparagrafu ġdid li ġej:

"(i) id-dettalji personali tal-partijiet, kif elenkati fl-artikolu 2042(a) u (b) tal-Kodiċi Ċivili:

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Iżda d-data tat-twelid tista' tinkiteb b'figuri biss, u jekk jitniżżel l-indirizz sħiħ fl-att, in-numri li jista' jkun fih dan l-indirizz, jistgħu jinkitbu b'figuri biss;" u

(b) is-subparagrafu (ii) tiegħu għandu jiġi sostitwit bis-subparagrafu ġdid li ġej:

"(ii) jekk il-post jew id-data tat-twelid ta' xi waħda mill-partijiet mhux magħruf min-nutar jew jekk xi waħda mill-partijiet hija mwielda minn ġenitur mhux magħruf, jew jekk il-kunjom tat-twelid tal-ġenituri mhux magħruf min-nutar u dan ma jistax isir jafu bi sħarriġ xieraq, ikun biżżejjed li fl-att jingħad dan il-fatt;"

Emenda tal-artikolu 32 tal-Att prinċipali.

8. Il-paragrafu (e) tas-subartikolu (2) tal-artikolu 32 tal-Att prinċipali għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

"(e) id-dettalji personali tat-testatur, kif elenkati fl-artikolu 2042(a) u (b) tal-Kodiċi Ċivili;"

Kap. 16.

TAQSIMA IV

Emendi għall-Att dwar ir-Registru Pubbliku

Emendi tal-Att dwar ir-Registru Pubbliku.
Kap. 56.

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

Sostituzzjoni tal-artikolu 6 tal-Att prinċipali.

10. L-artikolu 6 tal-Att prinċipali għandu jiġi sostitwit bl-artikolu ġdid li ġej:

"Meta l-partikolaritajiet ma jkunux magħrufa.
Kap. 16.

6. Meta l-partikolaritajiet li, skont l-artikolu 2042 tal-Kodiċi Ċivili għandhom jitniżżlu fin-nota ma jkunux ġew imniżżla minħabba li jkun manifestament impossibbli li jiġu identifikati, għandu jitniżżel fin-nota li dawn il-partikolaritajiet mhumiex magħrufa:

Iżda dan għandu jkun mingħajr preġudizzju għad-dispożizzjoni tal-artikolu hawn fuq msemmi dwar l-inserzjoni fin-noti ta' partikolaritajiet oħra li jistgħu jiswew sabiex jistabilixxu l-identità."

11. L-artikolu 8 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 8 tal-Att prinċipali.

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) In-nota tal-insinwa għandu jkun fiha d-dettalji tal-partijiet skont l-artikolu 2042 tal-Kodiċi Ċivili, id-data u x-xorta tal-att, indikazzjoni tal-ħaġa li għaliha jirreferi l-att skont id-dispożizzjoni tal-artikolu ta' qabel dan, flimkien ma' indikazzjoni tal-valur fil-każ ta' atti li fihom il-valur jista' jkun determinat:" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

"Iżda dan għandu jkun mingħajr preġudizzju għad-dispożizzjoni tal-artikolu hawn fuq msemmi dwar l-inserzjoni fin-noti ta' partikolaritajiet oħra li jistgħu jiswew sabiex jistabilixxu l-identità."; u

(b) fis-subartikolu (2) tiegħu, il-kliem "partikolaritajiet tat-testatur" għandhom jiġu sostitwiti bil-kliem "partikolaritajiet tat-testatur skont l-artikolu 2042 tal-Kodiċi Ċivili".

Kap. 16.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 411 tal-15 ta' Diċembru, 2020.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

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I assent.

(L.S.)

GEORGE VELLA
President

22nd December, 2020

ACT No. LXI of 2020

AN ACT to amend the Notarial Profession and Notarial Archives Act, Cap. 55., and various laws in connection with gender equality in the drafting of public deeds 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:-

Short title.

1. The short title of this Act is the Notarial Professions and Notarial Archives and Various Laws (Amendment) Act, 2020.

PART I

Amendments to the Code of Organization and Civil Procedure

Amendment to
the Code of
Organization
and Civil
Procedure.
Cap. 12.

2. This Part amends the Code of Organization and Civil Procedure and it shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter in this Part referred to as "the Code".

Amendment of
article 529 of
the Code.

3. Paragraph (b) of article 529 of the Code shall be substituted by the following new paragraph:

Cap. 16. "(b) the personal details of the testator, as listed in article 2042 (a) and (b) of the Civil Code;"

PART II
Amendment to the Civil Code

4. This Part amends the Civil Code and it shall be read and construed as one with the Civil Code, hereinafter in this Part referred to as "the Code".

Amendment to
the Civil Code.
Cap. 16.

5. Article 2042 of the Code shall be amended as follows:

Amendment of
article 2042 of
the Code.

(a) paragraph (a) thereof shall be substituted by the following new paragraph:

"(a) with regard to the creditor:

(i) his name, current surname, and surname at birth, where the surname at birth differs from the current surname;

(ii) his legally valid identification document number written in figures only, and where the person is not eligible to hold a legally valid identification document, the number as appearing in another document of identification;

(iii) his place and date of birth;

(iv) his place of residence;

(v) whether he is single; married; in a civil union; in a cohabitation; separated; divorced; annulled; or widowed; and

(vi) the name, current surname, and surname at birth of his parents:

Provided that the Director of the Public Registry may, in his discretion, accept notes solely in those instances where it is manifestly impossible to identify any of the details:

Provided further that the Director of the Public Registry shall have the right to request the presentation of other particulars which, in the opinion of the Director, serve to identify the creditor, or any detail, with the assistance or application of those listed, which the Minister may, from time to time, indicate by means of regulations."; and

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(b) paragraph (b) thereof shall be substituted by the following new paragraph:

"(b) with regard to the debtor:

(i) his name, current surname, and surname at birth, where the surname at birth differs from the current surname;

(ii) his legally valid identification document number written in figures only, and where the person is not eligible to hold a legally valid identification document, the number as appearing in another document of identification;

(iii) his place and date of birth;

(iv) his place of residence;

(v) whether he is single; married; in a civil union; in a cohabitation; separated; divorced; annulled; or widowed; and

(vi) the name, current surname, and surname at birth of his parents:

Provided that the Director of the Public Registry may, in his discretion, accept notes solely in those instances where it is manifestly impossible to identify any of the details:

Provided further that the Director of the Public Registry shall have the right to request the presentation of other particulars which, in the opinion of the Director, serve to identify the debtor, or any detail, with the assistance or application of those listed, which the Minister may, from time to time, indicate by means of regulations;".

PART III

Amendments to the Notarial Professions and Notarial Archives Act

Amendments to the Notarial Professions and Notarial Archives Act. Cap. 55.

6. This Part amends the Notarial Professions and Notarial Archives Act and it shall be read and construed as one with the Notarial Professions and Notarial Archives Act, hereinafter in this Part referred to as "the principal Act".

Amendment of article 28 of the principal Act.

7. Paragraph (c) of sub-article (1) of article 28 of the principal Act shall be amended as follows:

(a) sub-paragraph (i) thereof shall be substituted by the following new sub-paragraph:

Cap. 16. "(i) the personal details of the parties, as listed in article 2042 (a) and (b) of the Civil Code:

Provided that the date of birth may be written in figures only, and if the full address is included in the deed, such address may also contain figures only;" and

(b) sub-paragraph (ii) thereof shall be substituted by the following new sub-paragraph:

"(ii) where the place or date of birth of any of the parties is unknown to the notary or where any of the parties is born of an unknown parent, or where the surname at birth of the parents is unknown to the notary or cannot with the exercise of reasonable diligence be ascertained by him, a statement of such fact in the act shall be sufficient;"

8. Paragraph (e) of sub-article (2) of article 32 of the principal Act shall be substituted by the following new paragraph:

Amendment of article 32 of the principal Act.

Cap. 16. "(e) the personal details of the testator, as listed in article 2042 (a) and (b) of the Civil Code;"

PART IV

Amendments to the Public Registry Act

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

Amendments to the Public Registry Act. Cap. 56.

10. Article 6 of the principal Act shall be substituted by the following new article:

Substitution of article 6 of the principal Act.

Cap. 16. "Where particulars are unknown. 6. When the particulars which, according to article 2042 of the Civil Code must be stated in the note have not been stated for the reasons specified in the said article, there shall be stated in the note that such particulars are unknown:

Provided that this shall be without prejudice to the provision of the said article as to the insertion in the note of other individual particulars capable of establishing the identity."

11. Article 8 of the principal Act shall be amended as follows:

Amendment of article 8 of the principal Act.

(a) sub-article (1) thereof shall be substituted by the

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following new sub-article:

"(1) The note of enrolment shall contain the particulars of the parties in accordance with article 2042 of the Civil Code, the date and nature of the act, an indication of the thing to which the act refers as provided in the last preceding article, together with an indication of the value in the case of acts in which such value can be determined:" and immediately thereafter there shall be added the following new proviso:

"Provided that this shall be without prejudice to the provision of the said article as to the insertion in the note of other individual particulars capable of establishing the identity."; and

(b) in sub-article (2) thereof, immediately after the word "testator" there shall be added the words "in accordance with article 2042 of the Civil Code".

Cap. 16.

Passed by the House of Representatives at Sitting No. 411 of the 15th December, 2020.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives