

Naghti l-kunsens tieghi.

(L.S.)

ĠUŻÈ CASSAR
Agent President

9 ta' Lulju, 1999

ATT Nru. X ta' l-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.

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

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

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

“applikazzjonijiet li jsiru fir-Registru ta' l-Artijiet” tfisser talbiet li jsiru skond u b'mod konformi mal-provvedimenti ta' l-Att dwar ir-Registrazzjoni ta' Artijiet; Kap. 296.

“Arkivji” u “Arkivist” tfisser l-arkivji u l-arkivist imsemmija fl-artikolu 95 tal-Ligi Nutarili;

“atti nutarili mhux spezzjonati” u “atti mhux spezzjonati” tfisser dawk l-atti nutarili originali li ma jkunux ġew spezzjonati u mqegħdin fl-Arkivji skond l-artikolu 117 tal-Ligi Nutarili;

“Kummissarju Speċjali” tfisser Kummissarju Speċjali għall-Atti Nutarili mahtur 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-Registru Pubbliku” tfisser noti li jiddaħhlu fir-Registru Pubbliku skond u b’mod konformi mal-Liġi Nutarili jew ma’ l-Att dwar ir-Registru Pubbliku;

“Qorti ta’ Revizjoni” tfisser il-Qorti ta’ Revizjoni 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’ohra, indicijiet, atti nutarili, registri u volumi jirreferu għal dawk il-frazzjiet bħalma huma wżati fil-Liġi Nutarili.

Kummissarju
Speċjali għall-
Atti Nutarili.

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

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

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

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

(i) mhallef 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 taht il-grad ta’ prinċipal:

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

(b) Kummissarju Speċjali li ma jkunx imħallef jew maġistrat, jew nutar irtirat, avukat jew prokuratur legali, ma jistax jithalla jispezzjona testamenti.

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

“Jiena.....naħlef li nwettaq bl-aħjar hila li għandi l-kariga ta’ Kummissarju Speċjali għall-Atti Nutarili. Hekk Alla jghinni.”.

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.

Izda ma tista’ ssir ebda talba bhal 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 pprezentat fil-Qorti ta’ Reviżjoni li fih il-Kummissarju Speċjali jintalab biex jistabilixxi l-jum, hin u lok meta l-Kummissarju Speċjali jkun se jispezzjona l-atti nutarili.

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

(a) l-ghadd ta’ volumi ta’ atti *inter vivos* u testamenti li dwarhom tkun tirreferi t-talba;

(b) l-ghadd ta’ atti f’kull volum;

(ċ) l-ghadd ta’ pagni f’kull volum fejn jiġi ndikat in-numru ta’ l-ewwel u ta’ l-aħhar pagna;

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

(e) id-data ta’ l-ewwel att u ta’ l-aħhar att f’kull volum;

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

(g) dikjarazzjoni li n-noti li jsiru fir-Registru Pubbliku jkunu kollha ġew imdahhla fir-Registru Pubbliku u li l-applikazzjonijiet

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

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

(5) (a) Il-Kummissarju Speċjali għandu, sa mhux aktar tard minn xahar mid-data tal-prezentata tar-rikors magħmul skond ma hemm fis-subartikolu (2) ta' dan l-artikolu, b'tahrifa ffirmata minnu, jordna lin-Nutar sabiex iġib mieghu l-atti mhux spezzjonati f'għamla lilegata flimkien mal-indicijiet rispettivi tagħhom f'dak il-jum, hin u lok hekk kif jistgħu jiġu ndikati fit-tahrifa, u kull volum għandu jiġi spezzjonat mill-Kummissarju Speċjali limitament bil-ghan li jiġi żgurat li n-nota pprezentata skond ma hemm fis-subartikolu (3) tkun wahda 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' akkuratizza fin-numerazzjoni ta' l-atti, fl-impagħnar tagħhom u fis-sekwenza tagħhom.

(c) Il-Kummissarju Speċjali għandu fuq l-aħħar pagna ta' kull volum jikteb u jiffirma d-dikjarazzjoni li dak il-volum għie spezzjonat minnu skond ma jehtieg 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 pprezentata 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 jehmez 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 wahda tiegħu tiġi pprezentata fir-Registru tal-Qorti ta' Revizjoni; u

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

(7) Fi żmien hmistax-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 originali spezzjonati minnu u l-indiċijiet relattivi tagħhom. Il-Kummissarju Speċjali għandu jibgħat żewġ kopji tal-proċess verbal lill-Arkivist li għandu jirrikonoxxi li daww 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 haġa li tinsab f'dan is-subartikolu ma għandha tipprekludi xi spezzjoni milli ssir skond id-dispożizzjonijiet tal-Liġi Nutarili ta' daww 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-Registru 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.

Tqiegħid
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 hejja r-reġistri kollha għar-rigward ta' atti mhux spezzjonati li dwarhom jirreferi dan l-artikolu, għandu jindika fin-nota liema jkunu daww l-atti li dwarhom għad ikunu jridu jsiru r-reġistri.

(4) Nutar li jkun għadu ma pprezentax in-noti li jsiru fir-Registru Pubbliku kollha jew għamel l-applikazzjonijiet li jsiru fir-Registru 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 daww l-atti li dwarhom daww in-noti u applikazzjonijiet ma jkunux ġew ippreżentati jew saru.

(5) Kull nutar ghandu fi zmien sena min-nota maghmula skond ma hemm fis-subartikolu (1) ta' dan l-artikolu ihejji daww ir-registri li jkunu ghad iridu jsiru.

(6) Kull nutar ghandu fi zmien xahrejn mill-imsemmija nota jdahhal fir-Registru Pubbliku daww in-noti li jkunu ghadhom jehtiegu jiddahhlu fir-Registru Pubbliku u jaghmel fir-Registru ta' l-Artijiet daww l-applikazzjonijiet li jkunu ghadhom jehtiegu li jsiru hemmhekk.

(7) Minghajr preġudizzju ghal kull responsabbilta' civili ghal danni mgarrba f'dak li ghandu x'jaqsam ma' dan, meta xi wiehed mir-registri jkun ghadu ma giex imhejji jew xi noti tar-Registru Pubbliku ma jkunux ghadhom iddahhlu jew xi applikazzjonijiet tar-Registru ta' l-Artijiet ma jkunux ghadhom saru, ma jistghu jigu mposti ebda pieni dixxiplinari skond il-Ligi Nutarili u l-Att dwar ir-Registrazzjoni ta' Artijiet ghar-rigward ta' xi ommissjoni bhal dik dikjarata skond is-subartikoli (3) u (4) ta' dan l-artikolu, sakemm ir-registri jigu mhejjija saż-zmien speċifikat fis-subartikolu (5) ta' dan l-artikolu u n-noti kollha jigu mdahhlin u l-applikazzjonijiet kollha jsiru fiz-zmien speċifikat fis-subartikolu (6) ta' dan l-artikolu.

(8) Minkejja kull dispożizzjoni tal-Ligi Nutarili, meta Nutar ikun ghamel dikjarazzjoni skond is-subartikolu (3) ta' dan l-artikolu, huwa jista' jhejji registru bhal dak li d-dikjarazzjoni tkun tirreferi ghalih, sew kollu kemm hu sew f'parti minnu, billi jaghmel fotokopja fuq karta normali ta' l-atti oriġinali u tad-dokumenti li jkunu jinsabu ma' daww l-atti.

(9) Nutar li jkun ghamel dikjarazzjoni skond is-subartikoli (3) u (4) ta' dan l-artikolu ghandu fi zmien sena mid-dikjarazzjoni msemmija fis-subartikolu (1) ta' dan l-artikolu fil-każ tar-registri, u fi zmien xahrejn mid-dikjarazzjoni msemmija fil-każ tan-Noti fir-Registru Pubbliku u applikazzjonijiet fir-Registru ta' l-Artijiet, jipprezenta noti separati fil-Qorti ta' Revizjoni li fihom jindika li kull registru pendenti msemmi fid-dikjarazzjoni jkun gie mhejji u li kull nota u applikazzjoni msemmija fid-dikjarazzjoni tkun iddahhlet jew saret. In-noti li jkunu gew ipprezentati skond dan is-subartikolu ghandhom jigu notifikati fi zmien tlett ijiem tax-xogħol lill-Kummissarju Speċjali.

(10) Id-dispożizzjonijiet tas-subartikoli ta' qabel dan ghandhom ikunu japplikaw *mutatis mutandis* ghal Nutar ghar-rigward ta' atti nutarili mhux spezzjonati li huwa jkun il-Konservatur taghhom skond il-Ligi Nutarili.

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

6. (1) Il-Kummissarju Speċjali ghandu minn zmien ghal zmien wara l-1 ta' Ottubru, 2001, b'tahrifa ffirmata minnu, jharrek lil daww in-Nutara li jkollhom atti mhux spezzjonati li dwarhom jirreferi l-artikolu

5, sabiex huma jgibu magħhom xi jew kull att nutarili mhux spezzjonat simili f'ghamla lilegata bl-indiċijiet rispettivi tagħhom f'dak il-jum, hin u lok hekk kif jista' jigi ndikat fit-tahrifa, u kull volum għandu jigi spezzjonat mill-Kummissarju Speċjali limitament 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 hati ta' nuqqas mid-dmirijiet tiegħu u jista' jehel il-piena dixxiplinari li hemm maħsuba fl-artikolu 132 tal-Liġi Nutarili. Dik il-piena għandha tingħata mill-Qorti ta' Revizjoni wara li jkun saru proċeduri li għandhom jinbdew permezz ta' rikors li jigi pprezentat għal dak l-ghan 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 ksar ta' dan l-Att.

8. Il-Ministru jista' jagħmel regolamenti b'mod ġenerali għat-tweqqif ahjar 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-tweqqif 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.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 126 tal-21 ta' Ġunju, 1999.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

ĠUŻÈ CASSAR
Acting President

9th July, 1999

ACT No. X of 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.

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.

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. Special Commissioner for Notarial Acts.

(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 wills 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.

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.

Inspection of acts to which section 5 refers.

(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.

Passed by the House of Representatives at Sitting No. 126 of 21st June, 1999.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives