

MALTA

ATT Nru. XVII ta' l-1984

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

ATT biex ikompli jemenda l-Att dwar ir-Registru Pubbliku, Kap. 93.

ACT No. XVII of 1984

AN ACT enacted by the Parliament of Malta.

AN ACT further to amend the Public Registry Act, Cap. 93.

Nagħti l-kunsens tiegħi.

(L.S.)

AGATHA BARBARA
President

3 ta' Awissu, 1984

ATT Nru. XVII ta' l-1984

ATT biex ikompli jemenda l-Att dwar ir-Registru Pubbliku, Kap. 93.

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:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1984 li jemenda l-Att dwar ir-Registru Pubbliku, u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar ir-Registru Pubbliku, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

2. Minnufih wara s-subartikolu (4) ta' l-artikolu 5 ta' l-Att prinċipali għandu jiżdied is-subartikolu ġdid li ġej:

"(5) Il-persuna li tiffirma xi nota jew kopja msemmija f'dan l-artikolu għandha, hdejn il-firma tagħha, tistampa, tittimbra jew tikteb b'ittri li jinqraw b'mod ċar, u fil-każ ta' kitba bl-idejn f'ittri blokk, isimha u kunjomha, u l-kariga professjonali tagħha jew jekk ikun il-każ il-kwalità tagħha bħala kreditur jew debitur."

Emenda ta' l-artikolu 18 ta' l-Att prinċipali.

3. Fis-subartikolu (3) ta' l-artikolu 18 ta' l-Att prinċipali minflok il-kliem "minn wiehed mill-Viżitaturi hawn fuq imsemmija" għandhom jidhlu l-kliem "mid-Direttur".

Thassir ta' l-artikolu 20 ta' l-Att prinċipali.

4. L-artikolu 20 ta' l-Att prinċipali għandu jithassar.

5. Fis-subartikolu (1) ta' l-artikolu 21 ta' l-Att prinċipali minflok il-kliem "ta' iskrizzjoni, meta l-Qorti fuq imsemmija jidhrilha meħtieġa," għandhom jidhlu l-kliem "ta' iskrizzjoni".
- Emenda ta' l-artikolu 21 ta' l-Att prinċipali.
6. L-artikolu 22 ta' l-Att prinċipali għandu jiġi emendat kif ġej:
- (a) fis-subartikolu (1) tiegħu minflok il-kliem "Meta, qabel ma d-dikjarazzjoni msemmija fis-subartikolu (3) ta' l-artikolu 16 tiġi iffirmata," għandha tidhol il-kelma "Meta"; u
- (b) fis-subartikolu (2) tiegħu għandu jidhol dan li ġej:
- "(2) Dik il-korrezzjoni għandha tkun datata u iffirmata mid-Direttur."
- Emenda ta' l-artikolu 22 ta' l-Att prinċipali.
7. Minflok l-artikolu 22A ta' l-Att prinċipali għandu jidhol dan li ġej:
- "Applikab- 22A. Id-dispożizzjonijiet ta' l-artikoli 21 u 22 m'għand- biltà ta' l-artikoli 21 u 22. homx japplikaw għal noti ipprezentati wara l-1 ta' Jannar, 1980."
- Sostituzzjoni ta' l-artikolu 22A ta' l-Att prinċipali.
8. Minnufih wara s-subartikolu (2) ta' l-artikolu 24 ta' l-Att prinċipali għandu jżied is-subartikolu ġdid li ġej:
- "(3) Id-Direttur għandu, b'żieda ma' l-indiċijiet ġenerali msemmija fis-subartikoli (1) u (2) ta' dan l-artikolu, iżomm dawk il-kotba, registri u indiċijiet oħra u jagħmel dawk l-iskrizzjonijiet fihom, kif ikun meħtieġ biex jirregistra, jindika u jagħmel dak li hu meħtieġ biex tinstab il-konnessjoni bejn l-isem jew il-kunjom ta' qabel ta' xi persuna, u l-isem jew il-kunjom il-ġdid li dik il-persuna tkun hadet bis-saħħa ta' xi waħda mid-dispożizzjonijiet tas-subartikolu (2) ta' l-artikolu 290 jew tas-subartikolu (4) ta' l-artikolu 106 tal-Kodiċi Ċivili, jew fejn bis-saħħa ta' xi dispożizzjoni oħra ta' l-imsemmi Kodiċi, l-isem jew il-kunjom ta' persuna jkun inbidel, barra milli bi żwieġ jew b'adozzjoni, b'dak il-mod li kull kawża ta' preferenza jew kull insinwa relattiva għal dik il-persuna ma tkunx tista' tinstab minnufih fl-imsemmija indiċijiet ġenerali."
- Emenda ta' l-artikolu 24 ta' l-Att prinċipali.
9. Fis-subartikolu (1) ta' l-artikolu 25 ta' l-Att prinċipali minflok il-kliem "fl-ewwel ġimġha ta' kull xahar" u l-kliem "ix-xahar ta' qabel" għandhom jidhlu rispettivament il-kliem "fl-ewwel u fit-tielet ġimġha ta' kull xahar" u l-kliem "il-ħmistax-il jum ta' qabel".
- Emenda ta' l-artikolu 25 ta' l-Att prinċipali.
10. Fis-subartikolu (1) ta' l-artikolu 28 ta' l-Att prinċipali minflok il-kliem "lista, miktuba bil-linka u" għandha tidhol il-kelma "lista", u minflok il-kliem "li jkun kiteb dik il-lista" għandhom jidhlu l-kliem "li jkun għamel dik il-lista".
- Emenda ta' l-artikolu 28 ta' l-Att prinċipali.
11. Fl-artikolu 30 ta' l-Att prinċipali minflok il-kliem "lil kull min jitolbu, imqar bil-fomm," għandhom jidhlu l-kliem "lil kull min jitolbu".
- Emenda ta' l-artikolu 30 ta' l-Att prinċipali.

Sostituzzjoni ta' l-artikolu 40 ta' l-Att prinċipali.

12. M'nflok l-artikolu 40 ta' l-Att prinċipali ghandu jidhol dan li ġej:

"Setgħa għall-egħmil ta' regolamenti. 40. (1) Il-Ministru responsabbli għall-gustizzja jista' jagħmel regolamenti b'mod ġenerali biex jitwettqu d-dispożizzjonijiet ta' dan l-Att u b'mod partikolari iżda bla hsara għall-regolamenti. ġeneralità ta' dak li ntqal qabel, jista' b'dawk ir-regolamenti:

(a) jipprovdi għall-egħmil ta' noti duplikati ta' xi noti oriġinali għar-reġistrazzjoni ta' xi kawża ta' preferenza fost il-kredituri, jew ta' xi nota ta' referenza jew ta' xi nota ta' insinwa meta nota oriġinali tkun intilfet, ġiet distrutta jew ġiet danneġġata, u għas-sostituzzjoni b'reġistru ġdid ta' kull reġistru mitluf, distrutt jew danneġġat;

(b) jippreskrivi l-mod li bih dawk in-noti duplikati, u reġistri ġodda jistgħu jithejju u jkunu awtentikati;

(c) jippreskrivi li n-noti għar-reġistrazzjoni ta' kull kawża ta' preferenza fost il-kredituri, noti ta' referenza, u noti ta' insinwa u r-reġistri relattivi tagħhom u indiċijiet jiġu riprodotti bil-*microfilming*, u l-mod li bih dawk ir-riproduzzjonijiet għandhom isiru, jiġu maħżuna u jkunu aċċessibbli għall-pubbliku;

(d) jippreskrivi l-mod li bih riproduzzjonijiet li jsiru bil-*microfilming* u kopji tagħhom jistgħu jiġu awtentikati;

(e) jipprovdi għall-komputerizzazzjoni, inkluż il-ħażna, ta' informazzjoni mehuda minn kull *records* li jinżammu skond id-dispożizzjonijiet ta' dan l-Att, u għall-produzzjoni ta' dokumenti li jkun fihom dikjarazzjonijiet ta' dik l-informazzjoni u l-awtentikazzjoni ta' dawk id-dokument;

(f) jippreskrivi l-forma ta' kull ċertifikat maħruġ mid-Direttur skond l-artikoli 26 u 30 ta' dan l-Att u l-forma ta' l-applikazzjoni relattivi għall-ħruġ ta' dawk iċ-ċertifikati;

(g) jippreskrivi l-forma ta' l-applikazzjoni għall-ħruġ ta' listi skond l-artikolu 28 ta' dan l-Att u l-forma ta' dawk il-listi;

(h) jippreskrivi d-drittijiet u l-ħlasijiet oħra li għandhom jinġabru u jithallsu dwar kull haġa magħmula taħt id-dispożizzjonijiet ta' dan l-Att.

(i) jemenda, iżid ma' jew jissostitwixxi l-Iskedi li jinsabu ma' dan l-Att; u

(j) jipprovdi għal kull haġa inċidentali jew supplementari għal xi waħda mid-dispożizzjonijiet ta' qabel ta' dan is-subartikolu.

(2) Id-dispożizzjonijiet ta' xi regolamenti magħmula taħt dan l-artikolu għandhom safejn japplikaw japplikaw għal tiġdid ta' reġistrazzjonijiet u għal ipoteki legali.

(3) Kull nota duplikata jew registru ġdid li jsir skond regolamenti magħmula taħt is-subartikolu (1) ta' dan l-artikolu, għandu għall-finijiet u effetti kollha, jissostitwixxi n-nota jew ir-registru originali.”.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 188 tat-30 ta' Lulju, 1984.

DANIEL MICALLEF
Speaker

C. MIFSUD
Skriwan tal-Kamra tad-Deputati

I assent.

(L.S.)

AGATHA BARBARA
President

3rd August, 1984

ACT No. XVII of 1984

AN ACT further to amend the Public Registry Act, Cap. 93.

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. This Act may be cited as the Public Registry (Amendment) Act, 1984, and shall be read and construed as one with the Public Registry Act, hereinafter referred to as “the principal Act”.

Amendment of section 5 of the principal Act.

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

“(5) The person who signs any note or copy referred to in this section shall, next to his signature, print, stamp or write in clearly legible letters, and in case of hand-writing in block letters, his name and surname, and his professional capacity or in the appropriate case his capacity of creditor or debtor.”.

Amendment of section 18 of the principal Act.

3. In subsection (3) of section 18 of the principal Act for the words “one of the said visitors” there shall be substituted the words “the Director”.

Deletion of section 20 of the principal Act.

4. Section 20 of the principal Act shall be deleted.

Amendment of section 21 of the principal Act.

5. In subsection (1) of section 21 of the principal Act for the words “any entry, when the said Court deems it expedient,” there shall be substituted the words “any entry”.

6. Section 22 of the principal Act shall be amended as follows:

Amendment of section 22 of the principal Act.

(a) in subsection (1) thereof for the words "Where, before the declaration referred to in subsection (3) of section 16 is signed," there shall be substituted the word "Where"; and

(b) for subsection (2) thereof there shall be substituted the following:

"(2) Such correction shall be dated and signed by the Director."

7. For section 22A of the principal Act there shall be substituted the following:

Substitution of section 22A of the principal Act.

22A. The provisions of sections 21 and 22 shall not apply to notes presented after the 1st January, 1980."

"Applicability of sections 21 and 22.

8. Immediately after subsection (2) of section 24 of the principal Act there shall be added the following new subsection:

Amendment of section 24 of the principal Act.

"(3) The Director shall, in addition to the general indexes mentioned in subsection (1) and (2) of this section, keep such other books, registers and indexes and make such entries therein, as may be necessary to record, indicate and make traceable the connection between the previous name or surname of any person, and the new name or surname assumed by such person in virtue of any of the provisions of subsection (2) of section 290 or subsection (4) of section 106 of the Civil Code, or where in virtue of any other provision of the said Code, the name or surname of a person is changed, other than by marriage or adoption, in such a way that any cause of preference or any enrolment relative to that person would not be immediately traceable in the general indexes aforementioned."

9. In subsection (1) of section 25 of the principal Act for the words "the first week of every month" and the words "the preceding month" there shall be respectively substituted the words "the first and the third week of every month" and the words "the preceding fortnight".

Amendment of section 25 of the principal Act.

10. In subsection (1) of section 28 of the principal Act for the words "a list, drawn up in ink and" there shall be substituted the words "a list" and for the words "who shall have drawn up such list" there shall be substituted the words "who shall have compiled such list".

Amendment of section 28 of the principal Act.

11. In section 30 of the principal Act for the words "applying therefor, even verbally," there shall be substituted the words "applying therefor".

Amendment of section 30 of the principal Act.

12. For section 40 of the principal Act there shall be substituted the following:

Substitution of section 40 of the principal Act.

"Powers to
make
regulations.

40. (1) The Minister responsible for justice may make regulations generally for carrying out the provisions of this Act and in particular but without prejudice to the generality of the foregoing, may by such regulations:

(a) provide for the making of duplicate notes of any original notes for the registration of any cause of preference among creditors, or of any note of reference or of any note of enrolment where the original note has been lost, destroyed or damaged, and for the substitution by a new register of any register lost, destroyed or damaged;

(b) prescribe the mode in which such duplicate notes, and new registers shall be prepared and authenticated;

(c) prescribe that notes for the registration of any cause of preference among creditors, notes of reference, and notes of enrolment and the relative registers and indexes be reproduced by microfilming, and the mode in which such reproductions are to be made, stored and made accessible to the public;

(d) prescribe the manner in which reproductions made by microfilming and copies thereof may be authenticated;

(e) provide for the computerisation, including storage, of information taken from any records which are kept in accordance with the provisions of this Act, and for the production of documents containing statements of such information and the authentication of such documents;

(f) prescribe the form of any certificate issued by the Director in terms of sections 26 and 30 of this Act and the form of the relative application for the issue of such certificates;

(g) prescribe the form of the application for the issuing of lists in terms of section 28 of this Act and the form of such lists;

(h) prescribe the fees and other charges to be levied and paid in respect of anything done under the provisions of this Act;

(i) amend, make additions to or substitute the Schedules to this Act; and

(j) provide for any matter incidental or supplementary to any of the foregoing provisions.

(2) The provisions of any regulations made under this section shall so far as applicable apply to renewals of registrations and to legal hypothecs.

(3) Any duplicate note or new register made in accordance with regulations made under subsection (1) of this section, shall for all intents and purposes, replace the original note or register.”

Passed by the House of Representatives at Sitting No. 188 of the 30th July, 1984.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives