

**MALTA**

**ATT Nru. XII ta' l-1986**

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

**ATT biex ikompli jemenda l-Kodiċi Ċivili, Kap. 23.**

**ACT No. XII of 1986**

AN ACT enacted by the Parliament of Malta.

**AN ACT further to amend the Civil Code, Cap. 23.**

Nagħti l-kunsens tiegħi.

(L.S.)

AGATHA BARBARA  
President

18 ta' April, 1986

### ATT Nru. XII ta' l-1986

*ATT biex ikompli jemenda l-Kodiċi Ċivili (Kap. 23).*

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-1986 li jemenda l-Kodiċi Ċivili u għandu jinqara u jiftiehem haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem imsejjah "il-liġi prinċipali". Titolu  
fil-qosor.
2. Minnufih wara s-subartikolu (4) ta' l-artikolu 106 tal-liġi prinċipali għandu jiżdied is-subartikolu ġdid li ġej: Emenda ta'  
l-artikolu 106  
tal-liġi  
prinċipali.

“(5) Minkejja d-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, tifel naturali mwieled u li jkun ġie magħruf b'ibnu mill-missier qabel l-ewwel ta' Jannar, 1966, u li la hu magħruf bil-kunjom ta' l-omm u l-anqas ma jkun ha kunjom missieru bis-saħħa tas-subartikolu (2) (b) ta' dan l-artikolu, jew id-dixxendenti ta' dak it-tifel, jistgħu jzommu l-kunjom, li ma jkunx il-kunjom la ta' l-omm u lanqas tal-missier, li dak it-tifel ikun ha u li jiġi dikjarat mill-Qorti li kien dejjem ġieb, u l-proviso tal-paragrafu (b) tas-subartikolu (2) ta' dan l-artikolu għandu japplika għal dik id-dikjarazzjoni.”.
3. Is-subartikolu (2) ta' l-artikolu 276 tal-liġi prinċipali hu b'dan imħassar. Emenda ta'  
l-artikolu 276  
tal-liġi  
prinċipali.
4. Fis-subartikolu (2) ta' l-artikolu 315 tal-liġi prinċipali minflok il-kliem “Formula C” għandhom jidhlu l-kliem “Formula ĊĊ”. Emenda ta'  
l-artikolu 315  
tal-liġi  
prinċipali.
5. Fis-subartikolu (1) ta' l-artikolu 2157 tal-liġi prinċipali, minflok il-kliem “barra mill-partikolaritajiet li jkun hemm fl-iskrizzjoni tal-kreditu jew jedd ċedut” għandhom jidhlu l-kliem “in-numru li jmiss u s-sena tar-registrazzjoni.”. Emenda ta'  
l-artikolu 2157  
tal-liġi  
prinċipali.

Emenda ta' l-artikolu 2170 tal-liġi prinċipali.

- 6. L-artikolu 2170 tal-liġi prinċipali għandu jiġi emendat kif ġej:
  - (a) il-paragrafu (a) tiegħu għandu jithassar;
  - (b) il-paragrafi (b), (c) u (d) tiegħu għandhom jiġu numerati mill-ġdid (a), (b) u (c) rispettivament; u
  - (c) fil-paragrafu (a) tiegħu, kif numerat mill-ġdid, minnufih wara l-kliem "in-numru li jmiss" għandhom jidhlu l-kliem "u s-sena".

Emenda ta' l-Iskeda li tinsab mal-liġi prinċipali.

- 7. Fit-Taqsima II ta' l-Iskeda li tinsab mal-liġi prinċipali, minflok il-kliem "FORMULA Ċ" relattivament għall-artikolu 315 ta' dik il-liġi, għandhom jidhlu l-kliem "FORMULA ĊĊ".

Emenda konsegwenzjali.

- 8. Il-liġi msemmija fl-ewwel kolonna ta' l-Iskeda li tinsab ma' dan l-Att għandu jkollha effett skond l-emendi speċifikati relattivament għaliha fit-tieni kolonna ta' dik l-Iskeda.

Dispożizzjoni Transitorja.

- 9. L-artikoli 5 u 6 ta' dan l-Att għandhom jitqiesu li bdew iseħħu fl-ewwel ta' Jannar, 1980.

**SKEDA**

(Artikolu 8)

Liġi	Safejn tiġi emendata
Att dwar ir-Registru Pubbliku, Kap. 93.	Fis-subartikolu (3) ta' l-artikolu 24, minflok il-kliem "jew is-subartikolu (4) ta' l-artikolu 106" għandhom jidhlu l-kliem "jew is-subartikoli (4) u (5) ta' l-artikolu 106".

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 337 tas-16 ta' April, 1986.

**DANIEL MICALLEF**  
*Speaker*

**C. MIFSUD**  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

AGATHA BARBARA  
President

18th April, 1986

**ACT No. XII of 1986**

*AN ACT further to amend the Civil Code (Cap. 23).*

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, 1986 and shall be read and construed as one with the Civil Code, hereinafter referred to as “the principal law”. Short Title.
2. Immediately after subsection (4) of section 106 of the principal law there shall be added the following new subsection : Amendment of section 106 of the principal law.

“(5) Notwithstanding the provisions of subsection (1) of this section, a natural child born and acknowledged by the father, before the first day of January, 1966 and who is neither known by the surname of the mother nor has assumed the surname of his father in virtue of subsection (2) (b) of this section, or the descendants of such child, may retain the surname, being a surname other than that of the mother or of the father, which the child has assumed and which shall be declared by the Court that he has always borne, and the proviso to paragraph (b) of subsection (2) of this section shall apply to such declaration.”.
3. Subsection (2) of section 276 of the principal law is hereby repealed. Amendment of section 276 of the principal law.
4. In subsection (2) of section 315 of the principal law for the words “Form C” there shall be substituted the words “Form CC”. Amendment of section 315 of the principal law.
5. In subsection (1) of section 2157 of the principal law, for the words “besides the particulars stated in the registration of the debt or claim assigned” there shall be substituted the words “the progressive number and the year of the registration.”. Amendment of section 2157 of the principal law.

Amendment of section 2170 of the principal law.

6. Section 2170 of the principal law shall be amended as follows:
- (a) paragraph (a) thereof shall be deleted;
  - (b) paragraphs (b), (c) and (d) thereof shall be respectively renumbered (a), (b) and (c); and
  - (c) in paragraph (a) thereof, as renumbered, after the word "number" there shall be inserted the words "and the year".

Amendment of Schedule to the principal law.

7. In Part II of the Schedule to the principal law, for the words "FORM C" relating to section 315 of that law, there shall be substituted the words "FORM CC".

Consequential amendment.

8. The enactment mentioned in the first column of the Schedule to this Act shall have effect subject to the amendments specified in relation thereto in the second column of that Schedule.

Transitory provision.

9. Sections 5 and 6 of this Act shall be deemed to have come into force on the first day of January, 1980.

### SCHEDULE

(Section 8)

Enactment	Extent of Amendment
Public Registry Act, Cap. 93.	In subsection (3) of section 24, for the words "or subsection (4) of section 106" there shall be substituted the words "or subsections (4) and (5) of section 106".

Passed by the House of Representatives at Sitting No. 337 of the 16th April, 1986.

DANIEL MICALLEF  
*Speaker*

C. MIFSUD  
*Clerk to the House of Representatives*