

VERŻJONI ELETTRONIKA

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,290, 26 ta' Lulju, 2024

Taqsim A

MALTA

ATT Nru XXX tal-2024

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

ATT sabiex ikompli jemenda l-Kodiċi Ċivili, Kap. 16.

ACT No. XXX of 2024

AN ACT enacted by the Parliament of Malta.

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

Nagħti l-kunsens tiegħi.

(L.S.)

MYRIAM SPITERI DEBONO
President

26 ta' Lulju, 2024

ATT Nru XXX tal-2024

ATT sabiex ikompli 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 tal-istess, haġet b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2024 li jemenda l-Kodiċi Ċivili (Emenda Nru 2) u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kodiċi Ċivili, hawn iżjed 'il quddiem imsejjah "il-Kodiċi".

Titolu fil-qosor.

Kap. 16.

2. L-artikolu 971A tal-Kodiċi għandu jiġi sostitwit b'dan l-artikolu ġdid li ġej:

Sostituzzjoni tal-artikolu 971A tal-Kodiċi.

"Minuri 'l fuq mill-età ta' sittax (16)-il sena jista' jiftah u jhaddem kont ma' istituzzjoni ta' kreditu jew ma' istituzzjoni finanzjarja.

971A. (1) Minkejja kwalunkwe dispożizzjoni ta' dan il-Kodiċi, minuri li jkun għalaq is-sittax (16)-il sena jista' jiddepożita flus f'kont miftuħ mill-imsemmi minuri f'ismu ma' kwalunkwe istituzzjoni ta' kreditu jew iqiegħed fondi f'kont miftuħ mill-minuri f'ismu ma' kwalunkwe istituzzjoni finanzjarja, u kwalunkwe flus u, jew fondi hekk depożitati jew imqiegħda f'xi kontijiet

bħal dawk jistgħu jingibdu biss mill-imsemmi minuri minkejja li tali flus u, jew fondi jistgħu jkunu soġġetti għall-amministrazzjoni, l-użufrutt jew l-awtorità ta' kwalunkwe persuna oħra. Għall-finijiet kollha tal-liġi, l-imsemmi minuri għandu jitqies li hu tal-età fir-rigward tal-ftuħ u t-tħaddim ta' kwalunkwe kont bħal dak:

Kap. 376.

L.S. 376.04.

Iżda kwalunkwe fondi bħal dawk imqiegħda f'kont miftuħ mill-minuri f'ismu ma' kwalunkwe istituzzjoni finanzjarja għandhom ikunu salvagwardjati mill-istituzzjoni finanzjarja skont l-artikolu 10B tal-Att dwar Istituzzjonijiet Finanzjarji u d-dispożizzjonijiet tar-Regolamenti dwar l-Att dwar l-Istituzzjonijiet Finanzjarji (*Safeguarding of Funds*).

(2) Għall-finijiet ta' dan l-artikolu:

"Direttiva dwar il-Flus Elettroniċi" tfisser id-Direttiva 2009/11/KE tal-Parlament Ewropew u tal-Kunsill tas-16 ta' Settembru 2009 dwar il-bidu, l-eżerċizzju u s-superviżjoni prudenzjali tan-negozju tal-istituzzjonijiet tal-flus elettroniċi li temenda d-Direttivi 2005/60/KE u 2006/48/KE u li tħassar id-Direttiva 2000/46/KE, kif emendata minn żmien għal żmien;

"Direttiva dwar Servizzi ta' Pagament" tfisser id-Direttiva (UE) 2015/2366 tal-Parlament Ewropew u tal-Kunsill tal-25 ta' Novembru 2015 dwar is-servizzi ta' pagament fis-suq intern, li temenda d-Direttivi 2002/65/KE, 2009/110/KE u 2013/36/UE u r-Regolament (UE) Nru 1093/2010, u li tħassar id-Direttiva 2007/84/KE, kif emendata minn żmien għal żmien;

Kap. 376.

"fondi" għandu jkollha l-istess tifsira kif mogħtija lilha fl-artikolu 2(1) tal-Att dwar Istituzzjonijiet Finanzjarji;

L.S. 376.04.

"istituzzjoni finanzjarja" tfisser istituzzjoni ta' pagament kif imfissra fir-regolament 2(2) tar-Regolamenti dwar l-Att dwar l-Istituzzjonijiet Finanzjarji (*Safeguarding of Funds*) jew istituzzjoni tal-flus elettroniċi kif imfissra fl-istess regolamenti, li hija liċenzjata skont l-Att dwar Istituzzjonijiet Finanzjarji, jew li b'xi mod ieħor ikollha awtorizzazzjoni ekwivalenti fi Stat Membru ieħor tal-Unjoni Ewropea jew fi Stat taż-ŻEE skont id-Direttiva dwar is-Servizzi ta' Pagament jew id-Direttiva dwar il-Flus Elettroniċi, skont il-każ;

Kap. 376.

Kap. 371.

"istituzzjoni ta' kreditu" għandu jkollha l-istess tifsira kif mogħti lilha fl-artikolu 2(1) tal-Att dwar il-Kummerċ Bankarju;

"Stat ŻEE" tfisser Stat li jkun parti kontraenti fil-ftehim dwar iż-Żona Ekonomika Ewropea ffirmit f'Oporto fit-2 ta' Mejju, 1992 kif emendat bil-Protokoll iffirmit fi Brussell fis-17 ta' Marzu, 1993 u kif emendat b'atti sussegwenti."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 258 tal-15 ta' Lulju, 2024.

DAVID AGIUS
Deputy Speaker

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

26th July, 2024

ACT No. XXX of 2024

AN ACT to further 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.

1. The short title of this Act is the Civil Code (Amendment No. 2) Act, 2024 and this Act shall be read and construed as one with the Civil Code, hereinafter referred to as "the Code".

Cap. 16.

Substitution of article 971A of the Code.

2. Article 971A of the Code shall be substituted by the following new article:

"Minor over sixteen (16) years may open and operate an account with a credit institution or a financial institution.

971A. (1) Notwithstanding any provision of this Code, a minor who has attained the age of sixteen (16) years may deposit money in an account opened by the said minor in his own name with any credit institution or place funds in an account opened by the minor in his own name with any financial institution, and any money and, or funds so deposited or placed in any such accounts may

only be withdrawn by the said minor notwithstanding that such money and, or funds may be subject to the administration, usufruct or authority of any other person. For all purposes of law, the said minor shall, with regard to the opening and operation of any such accounts, be considered a major:

Provided that any such funds placed in an account opened by the minor in his own name with any financial institution shall be safeguarded by the financial institution in accordance with article 10B of the Financial Institutions Act and the provisions of the Financial Institutions Act (Safeguarding of Funds) Regulations.

Cap. 376.
S.L. 376.04.

(2) For the purposes of this article:

"credit institution" shall have the same meaning as assigned to it in article 2(1) of the Banking Act;

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"EEA State" means a State which is a contracting party to the agreement on the European Economic Area signed at Oporto on the 2nd May, 1992 as amended by the Protocol signed at Brussels on the 17th March, 1993 and as amended by any subsequent acts;

"Electronic Money Directive" means Directive 2009/11/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC, as amended from time to time;

"financial institution" means a payment institution as defined in regulation 2(2) of the Financial Institutions Act (Safeguarding of Funds) Regulations or an electronic money institution as defined in the said regulations, which is licensed in accordance with the Financial Institutions Act, or which otherwise holds an equivalent authorisation in another Member State of the European Union or EEA State in accordance with the Payment Services Directive or the Electronic Money Directive, as the case may be;

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"funds" shall have the same meaning as that assigned to it in article 2(1) of the Financial Institutions Act;

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"Payment Services Directive" means Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No. 1093/2010, and repealing Directive 2007/64/EC, as amended from time to time."

Passed by the House of Representatives at Sitting No. 258 of the 15th July, 2024.

DAVID AGIUS
Deputy Speaker

ELEANOR SCERRI
Clerk of the House of Representatives