

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE ABELA
President

23 ta' Novembru, 2012

ATT Nru. XIX tal-2012

ATT li jemenda l-Att dwar il-Professjoni Nutarili u Arkivji Nutarili, Kap. 55.

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2012 li jemenda l-Att dwar il-Professjoni Nutarili u Arkivji Nutarili. Titolu fil-qosor.

TAQSIMA I

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

2. (1) Din it-Taqsima temenda l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, hawn iżjed 'il quddiem f'din it-Taqsima msejjah "l-Att prinċipali". Emendi għall-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili. Kap. 55.

(2) Id-dispożizzjonijiet ta' din it-Taqsima għandhom jidhlu fis-seħh f'dik id-data li l-Ministru responsabbli għall-affarijiet nutarili jista' jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti jew għal għanijiet differenti ta' din it-Taqsima, u huwa jista' wkoll jistabbilixxi b'avviż fil-Gazzetta liema dispożizzjonijiet ta' din it-Taqsima u liema għanijiet differenti tagħha għandhom japplikaw għal atti nutarili Bidu fis-seħh.

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ppubblikati qabel id-dhul fis-seħħ ta' dispożizzjonijiet differenti ta' din it-Taqsima.

Emenda tal-artikolu 28 tal-Att prinċipali

3. L-artikolu 28 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:

(i) fis-subparagrafu (iv) tal-paragrafu (ċ) tiegħu, minflok il-kliem "meta l-partijiet li jkunu qed jidhru personalment" għandhom jidhru l-kliem "meta l-komparenti";

(ii) fis-subparagrafu (v) tal-paragrafu (k) tiegħu, minflok il-kliem "jekk xi waħda mill-partijiet" għandhom jidhru l-kliem "jekk xi wieħed mill-komparenti"; u

(b) fis-subartikolu (2) tiegħu, minflok il-kliem "il-partijiet" għandhom jidhru l-kliem "il-komparenti".

Emenda tal-artikolu 40 tal-Att prinċipali.

4. Fil-paragrafu (e) tas-subartikolu (1) tal-artikolu 40 tal-Att prinċipali, minflok il-kliem "tal-artikoli 25(1), (2), (3), (4) u (5)" għandhom jidhru l-kliem "tal-artikoli 25(2), (3), (4) u (5)".

Emenda tal-artikolu 128 tal-Att prinċipali.

5. Fil-paragrafu (d) tas-subartikolu (1) tal-artikolu 128 tal-Att prinċipali, minflok il-kliem "id-destinazzjoni" għandhom jidhru l-kliem "id-destituzzjoni".

TAQSIMA II

Emendi għall-Att tal-2011 li jemenda l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili (Att XXIV tal-2011)

Emendi għall-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili. Att XXIV tal-2011.

6. (1) Din it-Taqsima temenda l-Att tal-2011 li jemenda l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili (Att XXIV tal-2011), u għandha tinqara u tinftiehem haġa waħda mal-Att tal-2011 li jemenda l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili (Att XXIV tal-2011), hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att li jemenda". L-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili (Kap 55) hu hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Bidu fis-seħħ.

(2) Id-dispożizzjonijiet ta' din it-Taqsima għandhom jidhru fis-seħħ f'dik id-data li l-Ministru responsabbli għall-affarijiet nutarili jista' jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet differenti jew għal għanijiet differenti ta' din it-Taqsima, u huwa jista' wkoll jistabbilixxi b'avviż fil-Gazzetta liema dispożizzjonijiet ta' din it-Taqsima u liema

għanjiet differenti tagħha għandhom japplikaw għal atti nutarili ppubblikati qabel id-dhul fis-seħh ta' dispożizzjonijiet differenti ta' din it-Taqsima.

7. L-artikolu 20 tal-Att li jemenda, li jissostitwixxi l-artikolu 25 tal-Att prinċipali, għandu jiġi emendat kif ġej: Emenda tal-artikolu 20 tal-Att li jemenda.

(a) fis-subartikolu (6) tal-artikolu 25 tal-Att prinċipali kif sostitwit, minflok il-kliem "ta' dan l-att" għandhom jidhlu l-kliem "ta' dan l-Att", u fil-paragrafu (a) tas-subartikolu (6) tal-artikolu 25 tal-Att prinċipali kif sostitwit, minflok il-kliem "tal-att jew qabel" għandhom jidhlu l-kliem "tal-att u qabel"; u

(b) fil-verżjoni bl-Ingliż tiegħu, fis-subartikolu (6) tal-artikolu 25 tal-Att prinċipali kif sostitwit, minflok il-kliem "and nor does" għandhom jidhlu l-kliem "nor does".

8. Il-paragrafu (b) tal-artikolu 38 tal-Att li jemenda għandu jiġi sostitwit bil-paragrafu ġdid li ġej: Emenda tal-artikolu 38 tal-Att li jemenda.

"(b) il-kelma "partijiet" għandha tiġi sostitwita bil-kelma "komparenti"."

9. Is-subparagrafu (i) tal-paragrafu (a) tal-artikolu 55 tal-Att li jemenda għandu jiġi sostitwit bis-subparagrafu ġdid li ġej: Emenda tal-artikolu 55 tal-Att li jemenda.

"(i) il-kliem "tal-artikolu 81(4), it-testmenti pubbliċi, l-atti ta' kunsinna ta' testmenti sigrieti, u" għandhom jiġu sostitwiti bil-kliem "tal-artikolu 81(5), it-testmenti pubbliċi u";"

10. L-artikolu 61 tal-Att li jemenda għandu jiġi sostitwit bl-artikolu ġdid li ġej: Sostituzzjoni tal-artikolu 61 tal-Att li jemenda.

"61. Fis-subartikolu (3) tal-artikolu 75 tal-Att prinċipali l-kelma "lanqas" għandha tiġi sostitwita bil-kelma "hlief"."

11. L-artikolu 72 tal-Att li jemenda li jżid it-Taqsima ġdida IV A u l-artikoli ġodda 94A u 94B mal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 72 tal-Att li jemenda.

(a) l-artikolu 94A tiegħu, kif miżjud, għandu jiġi emendat kif ġej:

(i) fis-subartikolu (1) tiegħu, fit-tifsira ta' "testmenti" minflok il-kliem "it-testmenti originali" għandhom jidhlu l-kliem "it-testmenti originali; u l-atti originali ta' kunsinna ta' testmenti sigrieti ppubblikati sal-31 ta' Diċembru 2011";

(ii) fil-paragrafu (ċ) tas-subartikolu (19) tiegħu, minflok il-kliem "tal-artikoli 20, 70(1) u 126" għandhom jidhlu l-kliem "tal-artikoli 17(1), 20, 70(1) u 126"; u

(b) fl-artikolu 94B tiegħu kif miżjud, il-paragrafu (b) tas-subartikolu (7) tiegħu għandu jiġi mħassar, u l-paragrafu (a) tas-subartikolu (7) tiegħu għandu jiġi enumerat mill-ġdid bhala s-subartikolu (7) tiegħu.

Emenda tal-artikolu 78 tal-Att li jemenda.

12. L-artikolu 78 tal-Att li jemenda, li jissostitwixxi l-artikolu 110 tal-Att prinċipali, għandu jiġi emendat kif ġej:

(a) fis-subartikolu (3) tal-artikolu 110 tal-Att prinċipali kif sostitwit, minflok il-kelma "maġistrat" għandhom jidhlu l-kliem "maġistrat fil-kariga";

(b) fis-subartikolu (8) tal-artikolu 110 tal-Att prinċipali kif sostitwit, minflok il-kliem "il-Qorti tal-Appell" għandhom jidhlu l-kliem "l-Avukat Ġenerali" u minflok il-kliem "l-Qorti ta' Revizjoni ta' Attijiet Nutarili" għandhom jidhlu l-kliem "l-Qorti ta' Revizjoni tal-Atti Nutarili"; u

(ċ) minnufih wara s-subartikolu (9) tal-artikolu 110 tal-Att prinċipali kif sostitwit, għandu jidhol dan is-subartikolu ġdid:

“(10) (a) Jekk ma ssirx il-ħatra msemmija fis-subartikolu (5) fi żmien xahrejn minn meta trid issir jew jekk għal xi raġuni il-kariga tkun battala għal aktar minn xahrejn, il-maġistrat l-aktar anzjan għandu *ex officio*, mingħajr hteġa ta' ebda formalità u minkejja kull liġi li tiddisponi xort'ohra, jippresjedi l-Qorti ta' Revizjoni tal-Atti Nutarili għaż-żmien li ma ssirx il-ħatra jew il-kariga tkun battala u, f'każ li għal xi raġuni dak il-maġistrat ma jkunx jista' jippresjedi l-Qorti, il-maġistrat l-aktar anzjan li jiġi minnufih warajh fl-anzjanità għandu *ex officio* jippresjedi hu dik il-Qorti, u tibqa' sejjer hekk.

(b) F'dan is-subartikolu l-frażi "maġistrat l-aktar anzjan" tfisser dak il-maġistrat li jkun f'din il-kariga u li jkun ilu fiha għall-itwal żmien, indipendentement mid-dispożizzjonijiet tal-artikolu 7(2) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

Kap. 12.

(ċ) Għaż-żmien li l-maġistrat imsemmi fil-paragrafu (a) ikun qiegħed jippresjedi dik il-Qorti, kull riferenza f'dan l-Att u f'kull liġi għall-Imhalef irtirat jew il-Maġistrat irtirat jew l-avukat irtirat tal-Qorti ta' Revizjoni tal-Atti Nutarili jew xi riferenza simili għandha tkun riferenza għall-maġistrat imsemmi f'dak il-paragrafu li jkun qiegħed jippresjedi dik il-

Qorti.”.

13. Il-paragrafu (b) tal-artikolu 80 tal-Att li jemenda għandu jiġi sostitwit bil-paragrafu ġdid li ġej:

Emenda tal-artikolu 80 tal-Att li jemenda.

"(b) il-kliem "mill-qorti kolleġjali hawn fuq imsemmija jew minn wiehed mill-Viżitaturi waħdu" fis-subartikolu (1) tiegħu, kif enumerat mill-ġdid, għandhom jiġu sostitwiti bil-kliem "mill-imsemmija Qorti ta' Revizjoni"; u".

14. Fl-artikolu 83 tal-Att li jemenda, minflok il-kliem "L-artikolu 114 tal-Att prinċipali" għandhom jidhlu l-kliem "L-artikolu 117 tal-Att prinċipali".

Emenda tal-artikolu 83 tal-Att li jemenda.

15. Fil-paragrafu (b) tal-artikolu 86 tal-Att li jemenda, li jissostitwixxi s-subartikolu (1) tal-artikolu 120 tal-Att prinċipali, minflok il-kliem, fis-subartikolu (1) kif sostitwit, "dak li hu meħtieġ bl-artikolu 94A(10), (11) and (12)" għandhom jidhlu l-kliem "dak li hu meħtieġ bl-istess subartikolu (18)".

Emenda tal-artikolu 86 tal-Att li jemenda.

16. L-artikolu 99 tal-Att li jemenda għandu jiġi emendat billi l-paragrafi kollha tiegħu minn (b) sa (g), it-tnejn inklużi, għandhom jiġu sostitwiti b'dawn li ġejjin:

Emenda tal-artikolu 99 tal-Att li jemenda.

“(b) l-artikolu 242 tiegħu għandu jiġi emendat kif ġej:

(i) fis-subartikolu (2) tiegħu l-kliem "wiehed mill-Viżitaturi tal-atti nutarili" għandhom jiġu sostitwiti bil-kliem "l-Imħallef irtirat, jew il-Maġistrat irtirat jew l-avukat irtirat tal-Qorti ta' Revizjoni tal-Atti Nutarili";

(ii) fis-subartikolu (3) tiegħu l-kliem "ta' wiehed mill-Viżitaturi hawn fuq imsemmijin" għandhom jiġu sostitwiti bil-kliem "tal-imsemmi Imħallef irtirat jew Maġistrat irtirat jew avukat irtirat";

(ċ) fis-subartikolu (1) tal-artikolu 253 tiegħu l-kliem "ta' wiehed mill-Viżitaturi tal-atti nutarili" għandhom jiġu sostitwiti bil-kliem "tal-Imħallef irtirat jew Maġistrat irtirat jew avukat irtirat tal-Qorti ta' Revizjoni tal-Atti Nutarili";

(d) l-artikolu 257 tiegħu għandu jiġi emendat kif ġej:

(i) fin-nota marginali tiegħu l-kliem "mill-Viżitaturi" għandhom jiġu sostitwiti bil-kliem "mill-Qorti ta' Revizjoni";

(ii) fis-subartikolu (1) tiegħu l-kliem "minn wiehed mill-Viżitaturi tal-atti nutarili" għandhom jiġu sostitwiti

bil-kliem "mill-Imħallef irtirat jew il-Maġistrat irtirat jew l-avukat irtirat tal-Qorti ta' Revizjoni tal-Atti Nutarili";

(iii) fis-subartikolu (4) tiegħu l-kliem "l-Vizitatur jidhirlu li jeħtieġ u l-Vizitatur għandu, qabel ma joħroġ ordni, iħalli" għandhom jiġu sostitwiti bil-kliem "dak l-Imħallef irtirat jew Maġistrat irtirat jew avukat irtirat jidhirlu li jeħtieġ u għandu, qabel ma joħroġ ordni, iħalli";

(iv) fis-subartikolu (5) tiegħu l-kliem "tal-ordni mill-Vizitatur kif imsemmi hawn qabel" għandhom jiġu sostitwiti bil-kliem "tal-ordni, kif imsemmi hawn qabel, minn dak l-Imħallef irtirat jew Maġistrat irtirat jew avukat irtirat";

(v) fis-subartikolu (8) tiegħu l-kliem "mill-Vizitatur kif imsemmi hawn qabel" għandhom jiġu sostitwiti bil-kliem "kif imsemmi hawn qabel minn dak l-Imħallef irtirat jew mill-Maġistrat irtirat jew mill-avukat irtirat";

(vi) fis-subartikolu (9) tiegħu l-kliem "mill-Vizitatur" għandhom jiġu sostitwiti bil-kliem "minn dak l-Imħallef irtirat jew il-Maġistrat irtirat jew l-avukat irtirat";

(dd) fis-subartikolu (5) tal-artikolu 270 tiegħu l-kliem "ta' wieħed mill-Vizitaturi tal-atti nutarili" għandhom jiġu sostitwiti bil-kliem "tal-Imħallef irtirat jew il-Maġistrat irtirat jew l-avukat irtirat tal-Qorti ta' Revizjoni tal-Atti Nutarili";

(e) l-artikolu 280 tiegħu fis-subartikolu (2) għandu jiġi emendat kif ġej:

(i) fil-paragrafu (a) tiegħu l-kliem "wieħed mill-Vizitaturi tal-atti nutarili" għandhom jiġu sostitwiti bil-kliem "l-Imħallef irtirat jew il-Maġistrat irtirat jew l-avukat irtirat tal-Qorti ta' Revizjoni tal-Atti Nutarili";

(ii) fil-paragrafu (c) tiegħu l-kliem "xi wieħed mill-Vizitaturi tal-atti nutarili" għandhom jiġu sostitwiti bil-kliem "l-Imħallef irtirat jew il-Maġistrat irtirat jew l-avukat irtirat tal-Qorti ta' Revizjoni tal-Atti Nutarili";

(f) l-artikolu 281 tiegħu għandu jiġi emendat kif ġej:

(i) fis-subartikoli (1) u (2) tiegħu l-kliem "lil wieħed mill-Vizitaturi tal-atti nutarili" għandhom jiġu sostitwiti bil-kliem "lill-Imħallef irtirat jew il-Maġistrat

irtirat jew l-avukat irtirat tal-Qorti ta' Revizjoni tal-Atti Nutarili";

(ii) fis-subartikolu (3) tiegħu l-kelma "Vizitatur" għandha tiġi sostitwita bil-kliem "Imħallef irtirat jew Maġistrat irtirat jew avukat irtirat";

(g) fis-subartikolu (2) tal-artikolu 286 tiegħu l-kliem "ta' wiehed mill-Vizitaturi tal-atti nutarili" għandhom jiġu sostitwiti bil-kliem "tal-Imħallef irtirat jew il-Maġistrat irtirat jew l-avukat irtirat tal-Qorti ta' Revizjoni tal-Atti Nutarili";

(gg) fil-formula BB tat-Taqsima II tal-Ewwel Skeda tiegħu, b'riferenza għall-artikolu 281 tiegħu:

(i) il-kliem "mill-Vizitatur hawn taħt iffirmat li għandu jisma'" għandhom jiġu sostitwiti bil-kliem "mill-Qorti li għandha tisma'";

(ii) il-kliem "E.F. Vizitatur tal-Atti Nutarili" għandhom jiġu sostitwiti bil-kelma "Registratur"; u".

17. L-artikolu 103 tal-Att li jemenda għandu jiġi emendat kif ġej:

Emenda tal-artikolu 103 tal-Att li jemenda.

(a) is-subartikolu (4) tiegħu għandu jiġi emendat kif ġej:

(i) fil-paragrafi (a) u (b) tiegħu, minflok il-kliem "qabel is-sena 2015" għandhom jidhlu l-kliem "qabel is-sena 2018";

(ii) fil-paragrafu (ċ) tiegħu, minflok il-kliem "sas-sena 2014" għandhom jidhlu l-kliem "sas-sena 2017", u minflok il-kliem "sal-aħħar tas-sena 2014" għandhom jidhlu l-kliem "sal-aħħar tas-sena 2017";

(b) fis-subartikolu (6) tiegħu, minflok il-kliem "Ottubru 2012." għandhom jidhlu l-kliem "Ottubru 2012:" u minnufih wara għandhom jiżdiedu l-*provisos* godda li ġejjin:

"Izda d-dispożizzjonijiet tal-artikolu 8(7) tal-Att prinċipali kif sostitwit b'dan l-Att m'għandhomx japplikaw għal persuni li jagħmlu l-eżami ta' kwalifika qabel is-sena 2018:

Izda wkoll il-Bord ta' Eżaminaturi mahtur skont l-artikolu 7 tal-Att prinċipali kif sostitwit b'dan l-Att ikollu l-jedd, fid-diskrezzjoni tiegħu qabel is-sena 2018, li jzomm

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eżami iehor ta' kwalifika f'xi sena kalendarja, b'dana li dan l-eżami ma jistax isir inqas minn sitt xhur wara d-data tar-rizultati tal-eżami li jkun sar f'Marzu ta' dik is-sena."; u

(ċ) fil-paragrafu (b) tas-subartikolu (11) tiegħu, minflok il-kliem "*res judicata*." għandhom jidhlu l-kliem "*res judicata*:", u minnufih wara għandu jżdied dan il-proviso ma' dak eżistenti:

L.S. 55.05 "Iżda wkoll li sakemm il-Ministru responsabbli għall-affarijiet nutarili ma jagħmilx, skont il-paragrafu (b) ta' dan is-subartikolu, regolamenti dwar atti ppubblikati qabel id-dhul fis-sehħ tal-artikolu 40 tal-Att prinċipali kif sostitwit b'dan l-Att, min-nutara li jkunu mietu fi kwalunkwe żmien, ir-Regolamenti dwar Atti ta' Nutara Mejtin, li saru permezz tal-Avviż Legali 303 tal-2005, għandhom jibqgħu fis-sehħ minkejja li l-artikolu 40 tal-Att prinċipali, li bis-saħħa tiegħu kienu saru dawk ir-regolamenti, gie sostitwit permezz ta' dan l-Att."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 523 tad-19 ta' Novembru, 2012.

MICHAEL FRENDO
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE ABELA
President

23rd November, 2012

ACT No. XIX of 2012

AN ACT to amend 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:-

1. The short title of this Act is Notarial Profession and Notarial Archives (Amendment) Act, 2012. Short title.

PART I

**Amendments to the Notarial Profession
and Notarial Archives Act, Kap 55**

2. (1) This Part amends the Notarial Profession and Notarial Archives Act and it shall be read and construed as one with the Notarial Profession and Notarial Archives Act, hereinafter in this Part referred to as "the principal Act". Amendments to the Notarial Profession and Notarial Archives Act. Cap 55.

(2) The provisions of this Part shall come into force on such date as the Minister responsible for notarial affairs may by notice in the Gazette establish, and different dates may be so established for different provisions and different purposes of this Part, and he may Commencement

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also by notice in the Gazette establish which provisions of this Part and which different purposes thereof shall apply to notarial acts published before the coming into force of different provisions of this Part.

Amendment of article 28 of the principal Act.

3. Article 28 of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be amended as follows:

(i) in sub-paragraph (iv) of paragraph (c) thereof, for the words "where a party appearing" there shall be substituted the words "where an appearer";

(ii) in sub-paragraph (v) of paragraph (k) thereof, for the words "if any of the parties" there shall be substituted the words "if any of the appearers"; and

(b) in sub-article (2) thereof, for the words "the parties", there shall be substituted the words "the appearers".

Amendment of article 40 of the principal Act.

4. In paragraph (e) of sub-article (1) of article 40 of the principal Act, for the words "of articles 25(1), (2), (3), (4) and (5)" there shall be substituted the words "of articles 25(2), (3), (4) and (5)".

Amendment of article 128 of the principal Act.

5. In the Maltese version of paragraph (d) of sub-article (1) of article 128 of the principal Act, for the words "id-destinazzjoni" there shall be substituted the words "id-destituzzjoni".

PART II

Amendments to the Notarial Profession and Notarial Archives (Amendment) Act, 2011 (Act XXIV of 2011)

Amendments to the Notarial Profession and Notarial Archives (Amendment) Act, 2011. Act XXIV of 2011.

6. (1) This Part amends the Notarial Profession and Notarial Archives (Amendment) Act, 2011 (Act XXIV of 2011), and it shall be read and construed as one with the Notarial Profession and Notarial Archives (Amendment) Act, 2011 (Act XXIV of 2011), hereinafter in this Part referred to as "the amending Act". The Notarial Profession and Notarial Archives Act shall in this Part be referred to as "the principal Act".

Commencement

(2) The provisions of this Part shall come into force on such date as the Minister responsible for notarial affairs may by notice in the Gazette establish, and different dates may be so established for different provisions and different purposes of this Part, and he may also by notice in the Gazette establish which provisions of this Part and which different purposes thereof shall apply to notarial acts published before the coming into force of different provisions of this Part.

7. Article 20 of the amending Act, which substitutes article 25 of the principal Act, shall be amended as follows: Amendment of article 20 of the amending Act.

(a) in the Maltese version thereof, in subarticle (6) of article 25 of the principal Act as substituted, for the words "ta' dan l-att" there shall be substituted the words "ta' dan l-Att", and in paragraph (a) of subarticle (6) of article 25 of the principal Act as substituted, for the words "tal-att jew qabel" there shall be substituted the words "tal-att u qabel"; and

(b) in subarticle (6) of article 25 of the principal Act as substituted, for the words "and nor does" there shall be substituted the words "nor does".

8. In the Maltese version, paragraph (b) of article 38 of the amending Act shall be substituted by the following new paragraph: Amendment of article 38 of the amending Act.

"(b) il-kelma "partijiet" għandha tiġi sostitwita bil-kelma "komparenti".".

9. In the Maltese version, sub-paragraph (i) of paragraph (a) of article 55 of the amending Act shall be substituted by the following new sub-paragraph: Amendment of article 55 of the amending Act.

"(i) il-kliem "tal-artikolu 81(4), it-testmenti pubbliċi, l-atti ta' kunsinna ta' testmenti sigrieti, u" għandhom jiġu sostiwiti bil-kliem "tal-artikolu 81(5), it-testmenti pubbliċi u";".

10. In the Maltese version, article 61 of the amending Act shall be substituted by the following new article: Substitution of article 61 of the amending Act.

"61. Fis-subartikolu (3) tal-artikolu 75 tal-Att prinċipali l-kelma "lanqas" għandha tiġi sostitwita bil-kelma "hlief".".

11. Article 72 of the amending Act, adding the new Title IVA and articles 94A and 94B to the principal Act, shall be amended as follows: Amendment of article 72 of the amending Act.

(a) article 94A of the principal Act, as added, shall be amended as follows:

(i) in subarticle (1) thereof, in the definition of "wills" for the words "the original wills" there shall be substituted the words "the original wills; and includes the original acts of delivery of secret wills published up to 31st December 2011";

(ii) in paragraph (c) of sub-article (19) thereof, for the words "of articles 20, 70(1) and 126" there shall be

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substituted the words "of articles 17(1), 20, 70(1) and 126"; and

(b) in article 94B of the principal Act, as added, paragraph (b) of sub-article (7) thereof shall be deleted, and paragraph (a) of sub-article (7) thereof shall be renumbered as sub-article (7) thereof.

Amendment of
article 78 of the
amending Act.

12. Article 78 of the amending Act, substituting article 110 of the principal Act, shall be amended as follows:

(a) in sub-article (3) of article 110 of the principal Act as substituted, for the word "Magistrate" there shall be substituted the words "Magistrate in office";

(b) in sub-article (8) of article 110 of the principal Act as substituted, for the words "the Court of Appeal" there shall be substituted the words "the Attorney General", and in the Maltese version for the words "l-Qorti ta' Revizjoni ta' Attijiet Nutarili" there shall be substituted the words "l-Qorti ta' Revizjoni tal-Atti Nutarili"; and

(c) immediately after sub-article (9) of article 110 of the principal Act as substituted, there shall be added the following new sub-article:

“(10) (a) If the appointment mentioned in sub-article (5) is not made within two months of the date it should have been made, or if the office is for any reason vacant for over two months, the most senior Magistrate shall, without the need of any formality and notwithstanding any law to the contrary, *ex officio* preside the Court of Revision of Notarial Acts for as long as the appointment is not made or the office remains vacant and, in case such Magistrate is unable for any reason to preside such Court, the immediately next most senior Magistrate shall *ex officio* preside, and so on.

(b) In this sub-article the phrase “most senior Magistrate” means a serving Magistrate who has been in office for the longest time, independently of the provisions of article 7(2) of the Code of Organization and Civil Procedure.

(c) For as long as the Magistrate mentioned in paragraph (a) presides such Court, any reference in this Act and in any law to the retired Judge or retired Magistrate or retired advocate of the Court of Revision of Notarial Acts or a similar reference shall be a reference to the Magistrate mentioned in the said paragraph who presides such Court.”.

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13. Paragraph (b) of article 80 of the amending Act shall be substituted by the following new paragraph: Amendment of article 80 of the amending Act.

"(b) for the words "by the said court or by any of the Visitors separately" in sub-article (1) thereof, as renumbered, there shall be substituted the words "by the said Court of Revision"; and".

14. In the Maltese version of article 83 of the amending Act, for the words "L-artikolu 114 tal-Att prinċipali" there shall be substituted the words "L-artikolu 117 tal-Att prinċipali". Amendment of article 83 of the amending Act.

15. In paragraph (b) of article 86 of the amending Act, substituting sub-article (1) of article 120 of the principal Act, for the words, in sub-article (1) as substituted, "what is required by article 94A(10), (11) and (12)" there shall be substituted the words "what is required by the aforesaid sub-article (18)". Amendment of article 86 of the amending Act.

16. Paragraphs (b) to (g), both included, of article 99 of the amending Act amending various provisions of the Civil Code shall be substituted by the following: Amendment of article 99 of the amending Act.

“(b) article 242 thereof shall be amended as follows:

(i) in sub-article (2) thereof for the words "one of the Visitors of Notarial Acts" there shall be substituted the words "the retired Judge or retired Magistrate or retired advocate of the Court of Revision of Notarial Acts";

(ii) in sub-article (3) thereof for the words "by one of the said Visitors" there shall be substituted the words "by the said retired Judge or retired Magistrate or retired advocate";

(c) in sub-article (1) of article 253 thereof for the words "of one of the Visitors of notarial acts" there shall be substituted the words "of the retired Judge or retired Magistrate or retired advocate of the Court of Revision of Notarial Acts";

(d) article 257 thereof shall be amended as follows:

(i) in the marginal note thereof for the words “by Visitors” there shall be substituted the words “by Court of Revision”;

(ii) in sub-article (1) thereof for the words "by one of the Visitors of notarial acts" there shall be substituted the words "by the retired Judge or retired

Magistrate or retired advocate of the Court of Revision of Notarial Acts";

(iii) in sub-article (4) thereof for the words "the Visitor may deem necessary, and the Visitor shall, before making any order, give" there shall be substituted the words "the said retired Judge or retired Magistrate or retired advocate may deem necessary and, before making any order, he shall give";

(iv) in sub-article (5) thereof for the words "of any order made by the Visitors as aforesaid" there shall be substituted the words "of any order made as aforesaid by the said retired Judge or retired Magistrate or retired advocate";

(v) in sub-article (8) thereof for the words "by the Visitor as aforesaid" there shall be substituted the words "as aforesaid by such retired Judge or retired Magistrate or retired advocate";

(vi) in sub-article (9) thereof for the word "by the Visitor" there shall be substituted the words "by such retired Judge or retired Magistrate or retired advocate";

(dd) in sub-article (5) of article 270 thereof for the words "of one of the Visitors of notarial acts" there shall be substituted the words "of the retired Judge or retired Magistrate or retired advocate of the Court of Revision of Notarial Acts";

(e) sub-article (2) of article 280 thereof shall be amended as follows:

(i) in paragraph (a) thereof for the words "one of the Visitors of notarial acts" there shall be substituted the words "the retired Judge or retired Magistrate or retired advocate of the Court of Revision of Notarial Acts";

(ii) in paragraph (c) thereof for the words "one of the Visitors of notarial acts" there shall be substituted the words "the retired Judge or retired Magistrate or retired advocate of the Court of Revision of Notarial Acts";

(f) article 281 thereof shall be amended as follows:

(i) in sub-articles (1) and (2) thereof for the words "to one of the Visitors of notarial acts" there shall be

substituted the words "to the retired Judge or retired Magistrate or retired advocate of the Court of Revision of Notarial Acts";

(ii) in sub-article (3) thereof, for the word "Visitor" there shall be substituted the words "retired Judge or retired Magistrate or retired advocate";

(g) in sub-article (2) of article 286 thereof for the words "of one of the Visitors of notarial acts" there shall be substituted the words "of the retired Judge or retired Magistrate or retired advocate of the Court of Revision of Notarial Acts ";

(gg) in form BB of Part II of the First Schedule thereof, with reference to article 281 thereof:

(i) for the words "by the undersigned Visitor who shall hear" there shall be substituted the words "by the Court which shall hear";

(ii) for the words "E.F. Visitor of Notarial Acts" there shall be substituted the word "Registrar"; and".

17. Article 103 of the amending Act shall be amended as follows: Amendment of article 99 of the amending Act.

(a) sub-article (4) thereof shall be amended as follows:

(i) in paragraphs (a) and (b) thereof, for the words "before the year 2015", there shall be substituted the words "before the year 2018";

(ii) in paragraph (c) thereof, for the words "up to and including 2014" there shall be substituted the words "up to and including the year 2017", and for the words "to the end of 2014" there shall be substituted the words "to the end of the year 2017";

(b) in sub-article (6) thereof, for the words "October 2012." there shall be substituted the words "October 2012:" and immediately thereafter there shall be added the following new provisos:

"Provided that the provisions of article 8(7) of the principal Act as substituted by this Act shall not apply to persons who sit for the qualifying examination before the year 2018:

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Provided further that the Board of Examiners appointed in terms of article 7 of the principal Act as substituted by this Act shall have the right, in its discretion before the year 2018, to hold another qualifying examination in any calendar year, so however that the examination cannot be held less than six months from the date of the results of the examination held in March of such year."; and

(c) in paragraph (b) of sub-article (11) thereof, for the words "*res judicata*." there shall be substituted the words "*res judicata*:", and immediately thereafter there shall be added the following new proviso to the existing one:

S.L. 55.05 "Provided also that, so long as the Minister responsible for notarial affairs does not make regulations in terms of paragraph (b) of this sub-article regarding acts published, before the coming into force of article 40 of the principal Act as substituted by this Act, by notaries who died or shall have died at any date, the Acts of Deceased Notaries Regulations, made by Legal Notice 303 of 2005, shall remain in force notwithstanding that article 40 of the principal Act, under which they were made, has been substituted by this Act."

Passed by the House of Representatives at Sitting No. 523 of the 19th November, 2012.

MICHAEL FREUDO

Speaker

RAYMOND SCICLUNA
Clerk to the House of Representatives