

Naghti l-kunsens tiegħi.

(L.S.)

GEORGE ABELA
President

15 ta' Ġunju, 2010

ATT Nru. V tal-2010

ATT biex jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, il-Kodiċi Ċivili u diversi liġijiet li għandhom x'jaqsmu mal-kiri ta' proprjetà immobbli.

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. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2010 li jemenda Diversi Liġijiet li jirrigwardaw Materji Ċivili. Titolu fil-qosor u bidu fis-sehħ.

(2) Id-disposizzjonijiet ta' dan l-Att għandhom jidhlu fis-sehħ f'dik id-data li l-Ministru responsabbli għall-ġustizzja jista' b'avviż fil-Gazzetta jistabbilixxi, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti jew għal għanijiet differenti ta' dan l-Att.

TAQSIMA I

2. Din it-Taqsima temenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u għandha tinqara u tinftiehem haġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjaħ "il-Kodiċi". Emendi tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kap.12.

3. Minnufih wara l-proviso tal-artikolu 285(1) għandu jżjed dan il-proviso ġdid li ġej: Emenda tal-artikolu 285 tal-Kodiċi.

- Kap. 345. "Izda wkoll, fir-rigward ta' ishma jew titoli ta' kreditu irregistrati f'depozitarju ċentrali tat-titolu, kif imfisser skont l-artikolu 2 tal-Att dwar is-Swieq Finanzjarji, dak id-depożitarju ċentrali tat-titoli għandu wkoll jiġi notifikat b'mandat ta' qbid u għandu jkollu effett biss jekk ma jkun hemm l-ebda ordni ta' trasferiment jew *netting* li taffettwa l-imsemmija ishma jew titoli mdaħħla f'sistema ta' saldu tat-titoli, awtorizzata skont l-artikolu 34 tal-Att dwar il-Bank Ċentrali ta' Malta, qabel in-notifika tal-mandat lid-depożitarju."
- Kap. 204.

TAQSIMA II

Emenda tal-Kodiċi Ċivili.
Kap. 16.

4. Din it-Taqsima temenda il-Kodiċi Ċivili u għandha tinqara u tintfiehemi haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejjah "il-Kodiċi".

Emenda tal-artikolu 1359 tal-Kodiċi.

5. L-artikolu 1359 tal-Kodiċi għandu jiġi enumerat mill-ġdid bħala s-subartikolu (1) tiegħu, u minnufih wara s-subartikolu (1) kif enumerat mill-ġdid għandu jidied dan is-subartikolu ġdid li ġej:

"(2) Jekk minflok kapparra, b'wegħda ta' bejgħ tkun giet mogħtija biċċa mill-prezz, il-biċċa tal-prezz hekk imħallsa għandha tintradd lura lil min ħallasha hekk kif l-effett tal-wegħda jispiċċa; iżda f'konvenju ta' wegħdiet reċiproċi ta' bejgħ u ta' xiri ta' oġġett, il-partijiet jistgħu jaqblu illi dik il-biċċa tal-prezz tintlef favur min wiegħed li jbigħ kemm-il darba min wiegħed li jixtri ma jersaqx għax-xiri mingħajr raġuni tajba. Dan it-telf iseħħ mingħajr il-htieġa illi ssir talba b'rikors ġuramentat jekk, qabel ma jkun għalaq iż-żmien miftiehem bejn il-partijiet biex isir il-bejgħ, min wiegħed li jbigħ ikun sejjah lil min wiegħed li jixtri b'att ġudizzjarju biex jersaq għax-xiri u fl-istess att ġudizzjarju, jgħarrfu bil-konsegwenza tat-telf tal-biċċa tal-prezz fil-każ li jonqos milli jixtri. Meta min wiegħed li jbigħ iżomm il-biċċa tal-prezz imħallsa lilu bil-mod hawn fuq maħsub, ma jkun jista' jitlob ebda dannu ieħor ġej mill-wegħda tax-xiri."

Emenda tal-artikolu 1531B tal-Kodiċi.

6. Fl-artikolu 1531B tal-Kodiċi il-kliem "1531K u 1531L" għandhom jiġu sostitwiti bil-kliem "u 1531K".

- 7.** L-artikolu 1531Ċ tal-Kodiċi għandu jiġi emendat kif ġej: Emenda ta l-artikolu 1531Ċ tal-Kodiċi.
- (a) fis-subartikolu (1) tiegħu, minflok il-kliem "ir-rata tal-keramika mill-1 ta' Jannar, 2010" għandhom jidhru il-kliem "ir-rata tal-keramika mill-ewwel hlaq tal-keramika dovuta wara l-1 ta' Jannar, 2010"; u
- (b) fis-subartikolu (2) tiegħu minflok il-kliem "fl-1 ta' Jannar, 2013" għandhom jidhru il-kliem "fid-data tal-ewwel hlaq tal-keramika dovut wara l-1 ta' Jannar, 2013".
- 8.** L-artikolu 1531D tal-Kodiċi għandu jiġi emendat kif ġej: Emenda tal-artikolu 1531D tal-Kodiċi.
- (1) fis-subartikolu (1) tiegħu:
- (a) il-kliem "għandu fl-1 ta' Jannar, 2010 jiġi miżjud" għandhom jiġu sostitwiti bil-kliem "għandu mid-data tal-ewwel hlaq tal-keramika dovut wara l-1 ta' Jannar, 2010 jiġi miżjud"; u
- (b) il-kliem "kull sena kull l-ewwel ta' Jannar" għandhom jiġu sostitwiti bil-kliem "mid-data tal-ewwel hlaq tal-keramika dovut wara l-1 ta' Jannar ta' kull sena".
- (2) fis-subartikolu (2) tiegħu:
- (a) il-kliem "Il-keramika fl-1 ta' Ġunju, 2013" għandhom jiġu sostitwiti bil-kliem "Il-keramika mid-data tal-ewwel hlaq tal-keramika dovut wara l-1 ta' Jannar, 2014"; u
- (b) il-kliem "mill-1 ta' Jannar, 2014" għandhom jiġu sostitwiti bil-kliem "mill-ewwel hlaq tal-keramika dovut wara l-1 ta' Jannar, 2014".
- 9.** Fl-artikolu 1531E tal-Kodiċi il-kliem "ta' kirja li tkun saret qabel l-1 ta' Jannar, 2010" għandhom jiġu sostitwiti bil-kliem "ta' fond mikri qabel l-1 ta' Jannar, 2010". Emenda tal-artikolu 1531E tal-Kodiċi.
- 10.** Fl-artikolu 1531M tal-Kodiċi minnufih wara il-kliem "fir-rigward ta' każini" għandhom jidhru l-kliem "u skont id-disposizzjonijiet tal-artikolu 1531H fir-rigward ta' garaxxijiet u villegġatura". Emenda tal-artikolu 1531M tal-Kodiċi.
- 11.** Fil-verżjoni bl-Ingliż biss tas-subartikolu (2) tal-artikolu 1540 tal-Kodiċi, minflok il-kliem "excluding building" għandhom jidhru l-kliem "excluding, in the case of buildings". Emenda tal-artikolu 1540 tal-Kodiċi.
- 12.** Fit-test Ingliż tal-artikolu 1555A tal-Kodiċi, fil-proviso mas-subartikolu (2) tiegħu, il-kliem "or the transfer is accepted" Emenda tal-artikolu 1555A tal-Kodiċi.

għandhom jiġu sostitwiti bil-kliem "or the transfer is not accepted".

Emenda tal-artikolu 1607 tal-Kodiċi.

13. Fit-test Malti tal-artikolu 1607 tal-Kodiċi, il-kliem "l-artikolu 1394(a)" għandhom jiġu sostitwiti bil-kliem "l-artikolu 1594(a)".

TAQSIMA III

Emenda tal-Ordinanza li Tneħhi l-Kontroll tad-Djar. Kap. 158

14. Din it-Taqsima temenda l-Ordinanza li Tneħhi l-Kontroll tad-Djar u għandha tinqara u tinftiehem haġa waħda mal-Ordinanza li Tneħhi l-Kontroll tad-Djar, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejja "l-Ordinanza".

Thassir tal-artikolu 11 tal-Ordinanza.

15. L-artikolu 11 tal-Ordinanza għandu jiġi mħassar: iżda dan l-imsemmi taħsir m'għandu jaffettwa l-ebda haġa magħmula jew il-proċedimenti pendenti fir-rigward ta' xi haġa magħmula qabel l-imsemmi taħsir.

Emenda tal-artikolu 12 tal-Ordinanza.

16. Minnufih wara s-subparagrafu (i) tas-subartikolu (2) tal-artikolu 12 tal-Ordinanza għandu jizjed dan is-subparagrafu ġdid li ġej:

"(ia) suġġett għall-kondizzjonijiet stabbiliti fis-subartikolu 5(3)(b); u".

Emenda tal-artikolu 12A tal-Ordinanza.

17. Fis-subartikolu (2) tal-artikolu 12A tal-Ordinanza il-kliem "skond l-artikolu 12(2)(i) u (ii)" għandhom jiġu sostitwiti bil-kliem "skont l-artikolu 12(2)(i), (ia) u (ii)".

TAQSIMA IV

Emenda tal-Att X tal-2009.

18. Din it-Taqsima temenda l-Att tal-2009 biex jemenda l-Kodiċi Ċivili u għandha tinqara u tinftiehem haġa waħda mal-imsemmi Att, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejja "l-Att li jemenda".

Emenda tal-artikolu 39 tal-Att li jemenda.

19. L-artikolu 39 tal-Att li jemenda għandu jiġi emendat kif ġej:

(a) minnufih wara is-subartikolu (4) tiegħu għandu jizjed dan is-subartikolu ġdid li ġej:

Kap. 158. "(4A) Mill-ewwel hlas tal-kera dovut wara l-1 ta' Jannar, 2010 iż-żieda fil-kera minhabba l-inflazzjoni ta' djar ta' abitazzjoni li huma sugġetti għal kera li tinholoq bl-artikoli 5, 12 jew 12A tal-Ordinanza li Tneħhi l-Kontroll tad-Djar għandha, minkejja d-disposizzjonijiet tal-artikoli 5(3)(ċ) u 12(2)(i) tal-imsemmija Ordinanza, tkun irregolata esklussivament bl-artikolu 1531Ċ tal-Kodiċi Ċivili."; u

Kap. 16.

(b) fis-subartikolu (7) tiegħu il-kliem "it-tiġdid ta' kera fl-1 ta' Ġunju, 1995 jew wara dik id-data" għandhom jiġu sostitwiti bil-kliem "it-tiġdid ta' kera wara l-1 ta' Ġunju, 1995" u il-kliem "ma għandux jitqies li jkun kiri li ġie miftiehem fl-1 ta' Jannar, 2010, jew wara dik id-data." għandhom jiġu sostitwiti bil-kliem "ma għandux jitqies li jkun kiri li ġie miftiehem fl-1 ta' Jannar, 2010, jew wara dik id-data:". Minnufih wara għandu jiżdied dan il-proviso ġdid li ġej:

Kap. 158. " Izda biex jiġi evitat d-dubju, f'dan is-subartikolu u fl-artikolu 16 tal-Ordinanza li Tneħhi l-Kontroll tad-Djar, kif ikun il-każ, il-kliem "it-tiġdid ta' kera wara l-1 ta' Ġunju, 1995" għandhom jinftiehem bħala li jagħmlu referenza biss għal kera li jibda qabel l-1 ta' Ġunju, 1995, u imgedded wara dik id-data, u l-kliem "it-tiġdid ta' kera wara l-1 ta' Jannar, 2010 jew wara dik id-data" għandhom jinftiehem bħala li jagħmlu referenza biss għal kera li jibda qabel l-1 ta' Jannar, 2010 u mgedded wara dik id-data."

TAQSIMA V

20. Din it-Taqsima temenda l-Ordinanza li Tirregola t-Tiġdid tal-Kiri ta' Bini u għandha tinqara u tinftiehem haġa waħda mal-Ordinanza li Tirregola t-Tiġdid tal-Kiri ta' Bini, hawnhekk iżjed 'il quddiem f'din it-Taqsima msejja "l-Ordinanza".

Emenda tal-Ordinanza li Tirregola t-Tiġdid tal-Kiri ta' Bini. Kap. 69.

21. Fit-tifsira tal-kelma "il-Bord" fl-artikolu 2 tal-Ordinanza il-kliem " "il-Bord" tfisser" għandhom jiġu sostitwiti bil-kliem " "il-Bord" u "il-Bord tal-Kera ifissru" ".

Emenda tal-artikolu 2 tal-Ordinanza.

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Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 235 tad-9 ta' Ġunju, 2010.

MICHAEL FRENDU
Speaker

PAULINE ABELA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE ABELA
President

15th June, 2010

ACT No. V of 2010

AN ACT to amend the Code of Organization and Civil Procedure, Civil Code and various laws relating to the lease of immovable property.

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. (1) The short title of this Act is the Various Laws (Civil Matters) (Amendment) Act, 2010. Short title and commencement.

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

PART I

2. This Part of this Act amends the Code of Organization and Civil Procedure and it shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter in this Part referred as "the Code". Amendment of the Code of Organization and Civil Procedure. Cap. 12.

3. Immediately after the proviso to article 285(1) there shall be added the following new proviso: Amendment of article 285 of the Code.

Cap. 345. "Provided further that, in respect of any shares or securities registered at a central securities depository, as defined in terms of article 2 of the Financial Markets Act, a warrant of seizure shall also be served on such central securities depository and shall take effect only if no transfer order or netting affecting the said shares or securities shall have been entered in a securities settlement system, authorized in terms of article 34 of the Central Bank of Malta Act, prior to the service of the warrant to the depository."

Cap. 204.

PART II

Amendment of
the Civil Code.
Cap. 16.

4. This Part of this Act amends the Civil Code and it shall be read and construed as one with the Civil Code, hereinafter in this Part referred to as "the Code".

Amendment of
article 1359 of
the Code.

5. Article 1359 of the Code shall be renumbered as subarticle (1) thereof, and immediately after subarticle (1) as renumbered there shall be added the following new subarticle:

"(2) If instead of earnest, in promise of sale a part of the price is paid, the said part of the price so paid shall be returned to the person who paid it as soon as the effects of the promise cease; provided that in reciprocal promises of sale and purchase of a thing, the parties may agree that the said part of the price shall be forfeited in favour of the party that promises to sell if the party that promises to buy fails to carry out the purchase without a valid reason. The said forfeiture shall take place without any requirement to make a demand by sworn application if, before the lapse of the time agreed between the parties for the sale to be carried out, the party that promised to sell calls upon the party that promised to buy by means of a judicial intimation to carry out the purchase and in the same judicial act informs the said party of the consequence of forfeiture of part of the price in the event that it fails to purchase. When the party that promises to sell keeps the part of the price as provided above it shall not be entitled to claim any further damages resulting from the promise to buy."

6. In article 1531B of the Code for the words ", 1531L of this Code shall apply" there shall be substituted the words "of this Code shall apply".

Amendment of article 1531B of the Code.

7. Article 1531C of the Code shall be amended as follows:

Amendment of article 1531C of the Code.

(a) in subarticle (1) thereof, for the words "the rate of the rent from 1st January, 2010" there shall be substituted the words "the rate of the rent as from the first payment of rent due after the 1st January, 2010"; and

(b) in subarticle (2) thereof for the words "on the 1st January 2013" there shall be substituted the words "on the date of the first payment of rent due after the 1st January, 2013".

8. Article 1531D of the Code shall be amended as follows:

Amendment of article 1531D of the Code.

(1) in subarticle (1) thereof:

(a) for the words "shall on the 1st January, 2010 be increased" there shall be substituted the words "shall as from the date of the first payment of rent due after the 1st January, 2010 be increased"; and

(b) for the words "on the 1st June of each year" there shall be substituted the words "as from the date of the first payment of rent due after the 1st January of each year".

(2) in subarticle (2) thereof:

(a) for the words "The rent as at 1st January, 2014" there shall be substituted the words "The rent as from the first payment of rent due after the 1st January, 2014"; and

(b) the words "1st June, 2013" shall be substituted by the words "the first payment of rent due after the 1st January, 2014".

9. In article 1531E of the Code the words "of the lease which would have taken place prior to 1st January, 2010" shall be substituted by the words "of a tenement leased prior to 1st January, 2010".

Amendment of article 1531E of the Code.

10. In article 1531M of the Code immediately after the words "relating to clubs" there shall be inserted the words "and subject to the provisions of article 1531H with regard to garages and summer residences".

Amendment of article 1531M of the Code.

Amendment of article 1540 of the Code.

11. In the English text only of subarticle (2) of article 1540 of the Code for the words "excluding building" there shall be substituted the words "excluding, in the case of buildings".

Amendment of article 1555A of the Code.

12. In the English text of article 1555A of the Code, in the proviso to subarticle (2) thereof, the words "or the transfer is accepted" shall be substituted by the words "or the transfer is not accepted".

Amendment of article 1607 of the Code.

13. In the Maltese text of article 1607 of the Code, the words "l-artikolu 1394(a)" shall be substituted by the words "l-artikolu 1594(a)".

PART III

Amendment of the Housing (Decontrol) Ordinance. Cap. 158

14. This Part of this Act amends the Housing (Decontrol) Ordinance and it shall be read and construed as one with the Housing (Decontrol) Ordinance, hereinafter in this Part referred to as "the Ordinance".

Deletion of article 11 of the Ordinance.

15. Article 11 of the Ordinance shall be repealed: provided that the said repeal shall not affect anything done or any proceedings pending in respect of anything done prior to the said repeal.

Amendment of article 12 of the Ordinance.

16. Immediately after sub-paragraph (i) of subarticle (2) of article 12 of the Ordinance there shall be added the following new sub-paragraph:

"(ia) subject to the conditions laid down in subarticle 5(3)(b); and".

Amendment of article 12A of the Ordinance.

17. In subarticle (2) of article 12A of the Ordinance the words "according to article 12(2)(i) and (ii)" shall be substituted with the words "according to article 12(2) (i), (ia) and (ii)".

PART IV

Amendment of Act X of 2009.

18. This Part of this Act amends the Civil Code (Amendment) Act, 2009 and it shall be read and construed as one with the said Act, hereinafter in this Part referred to as "the amending Act".

Amendment of article 39 of the amending Act.

19. Article 39 of the amending Act shall be amended as follows:

(a) immediately after subarticle (4) thereof shall be

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by the words " "the Board" and "the Rent Board mean" ".

Passed by the House of Representatives at Sitting No. 235 of the
9th June, 2010.

MICHAEL FREND
Speaker

PAULINE ABELA
Clerk to the House of Representatives