

Nru. 129

3. 11. 2015

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Evarist Bartolo, M.P., Ministru għall-Edukazzjoni u x-Xogħol, f'isem il-Ministru għall-Ġustizzja, Kultura u Gvern Lokali, u moqri għall-Ewwel darba fis-Seduta tat-2 ta' Novembru, 2015.

A BILL introduced by the Honourable Evarist Bartolo, M.P., Minister for Education and Employment, on behalf of the Minister for Justice, Culture and Local Government, and read the First time at the Sitting of the 2nd November, 2015.

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

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

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT biex 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, harget b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2015 li jemenda l-Kodiċi Ċivili (Emenda Nru. 3), u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem imsejjah "il-Kodiċi".

Titolu fil-qosor u bidu fis-seħh.
Kap. 16.

(2) Dan l-Att għandu jidhol fis-seħh fl-1 ta' April, 2016.

2. Fis-subartikolu (3) tal-artikolu 495 tal-Kodiċi, inkluż fit-tieni proviso tiegħu, minflok il-kliem "għaxar snin", kull fejn jinsabu, għandhom jidhlu l-kliem "tliet snin".

Emenda tal-artikolu 495 tal-Kodiċi.

3. Fis-subartikolu (1) tal-artikolu 495A tal-Kodiċi, minflok il-kliem "għaxar snin" għandhom jidhlu l-kliem "tliet snin".

Emenda tal-artikolu 495A tal-Kodiċi.

4. L-artikolu 495B tal-Kodiċi għandu jiġi sostitwit b'dan li ġej:

Sostituzzjoni tal-artikolu 495B tal-Kodiċi.

"Dispożizzjoni tranżitorja fir-rigward tal-artikoli 495 u 495A u obbligu ta' reġistrazzjoni taht l-Att dwar ir-Registrazzjoni tal-Artijiet.

495B. (1) Il-perjodu ta' tliet snin stipulat fl-artikoli 495(3) u 495A(1) għandu japplika fir-rigward ta' kull proprjetà in komun li għaliha japplikaw l-imsemmija artikoli u li, fl-1 ta' April jew wara, tkun fil-pussess in komun tal-komproprjetarji tagħha għal perjodu ta' mill-anqas tliet snin.

C 1826

(2) Il-perjodi ta' għaxar snin li qabel kienu previsti fl-artikoli 495(3) u 495A(1) (qabel ma ġew emendati) u ta' ħames snin li qabel kien previst fl-artikolu 495B (qabel ma ġie sostitwit) rispettivament u kif fis-sehħ qabel l-1 ta' April 2016 ma għandhomx jibqgħu japplikaw wara l-1 ta' April 2016.

Kap. 296. (3) Proprjetà immobbli trasferita abbażi ta' sentenza tal-qorti mogħtija skont l-artikolu 494(1) u li ma tkunx tinsab f'area ta' registrazzjoni ta' artijiet għall-finijiet tal-Att dwar ir-Registrazzjoni ta' Artijiet għandha, minkejja d-dispożizzjonijiet ta' kull liġi oħra, titqies li tikkostitwixxi area ta' registrazzjoni ta' artijiet għall-finijiet tal-imsemmi Att u għandha tiġi registrata fir-Registru tal-Artijiet min-Nutar li jippubblika l-att ta' trasferiment bl-ispejjeż ikunu fuq il-persuna li tirċievi l-proprjetà."

Ghanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex tiġi faċilitata l-mobilità ta' proprjetà in komun bil-għan li jkun hemm użu aħjar u preservazzjoni tal-istess proprjetà.

A BILL
entitled

AN ACT further to 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:-

- 1.** (1) The short title of this Act is the Civil Code (Amendment No. 3) Act, 2015, and this Act shall be read and construed as one with the Civil Code, hereinafter referred to as "the Code".
- Short title.
Cap.16.
- (2) This Act shall come into force on 1st April, 2016.
- 2.** In sub-article (3) of article 495 of the Code, including the provisos thereto, for the words "ten years", wherever they occur, there shall be substituted the words "three years".
- Amendment of article 495 of the Code.
- 3.** In sub-article (1) of article 495A of the Code, for the words "ten years" there shall be substituted the words "three years".
- Amendment of article 495A of the Code.
- 4.** Article 495B of the Code shall be substituted by the following:
- Substitution of article 495B of the Code.
- "Transitory provision in respect of articles 495 and 495A and obligation to register under the Land Registration Act.
- 495B. (1)** The period of three years stipulated in articles 495(3) and 495A(1) shall apply in respect of all co-owned property to which the said sub-articles apply which on or after the 1st April 2016 shall have been held in common by the co-owners thereof for a period of at least three years.

C 1828

(2) The periods of ten years previously provided for in articles 495(3) and 495A(1) (prior to their amendment) and of five years previously provided for in article 495B (prior to its substitution) respectively and as in force prior to the 1st April 2016 shall no longer apply as from the 1st April 2016.

Cap. 296.

(3) Immovable property transferred on the basis of a court decision given under article 494(1) and not being situated within a land registration area for the purposes of the Land Registration Act shall, notwithstanding the provisions of any other law, be deemed to constitute a land registration area for the purposes of the said Act and it shall be registered in the Land Registry by the Notary who publishes the deed of transfer at the expense of the transferee."

Objects and Reasons

The objects and reasons of this Bill are the facilitation of the mobility of co-owned property with a view to its better use and preservation.

