

Nru. 17

22. 1. 99

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Tonio Borg, M.P., Ministru ta' l-Intern, u moqri għall-Ewwel darba fis-Seduta tat-18 ta' Jannar, 1999.

ATT biex jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, Kap. 12.

RICHARD J. CAUCHI

Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Tonio Borg, M.P., Minister for Home Affairs, and read the First time at the Sitting of the 18th January, 1999.

AN ACT to amend the Code of Organization and Civil Procedure, Cap. 12.

RICHARD J. CAUCHI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

*ATT biex jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili,
Kap. 12.*

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-1999 li jemenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u għandu jinqara u jiftiehem haġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawnhekk aktar 'il quddiem imsejjah "il-Kodiċi". Titolu fil-qosor.
Kap. 12.
2. Is-subartikoli (3) u (4) ta' l-artikolu 533 tal-Kodiċi għandhom jithassru. Emenda ta' l-
artikolu 533 tal-
Kodiċi.
3. Minnufih wara l-artikolu 535 tal-Kodiċi għandu jżied dan l-artikolu li ġej: Żieda ta' l-artikolu
535A ġdid mal-
Kodiċi.

"F'tuh ta' testmenti li jkunu saru aktar minn mitt sena qabel.

535A. (1) Meta r-registratur ikun irċieva testmenti sigrieti skond id-dispożizzjonijiet ta' dan it-*Titolu* iżda dawn ma jkunux ittiehdu lura mit-testaturi, jew ma jkunux infethu u ġew pubblikati, u jkunu għaddew mitt sena mid-data tal-preżentata tat-testmenti, ir-registratur għandu jhejji u jipubblika elenku ta' dawk it-testmenti fil-Gazzetta.

(2) Wara l-pubblikazzjoni ta' l-elenku msemmi fis-subartikolu (1) ta' dan l-artikolu fil-Gazzetta, il-qorti

għandha tappunta jum u hin meta t-testmenti msemija fl-elenku għandhom jinfethu fil-pubbliku. Il-qorti għandha mbagħad tordna li dawk it-testmenti għandhom jintbagħtu għand l-Arkivist ta' l-Atti Nutarili li għandu jirreġistra dawn it-testmenti fi ktieb li għandu jinżamm minnu u d-dispożizzjonijiet l-oħra ta' dan it-Titolu dwar il-ftuh u l-pubblikazzjoni ta' testmenti sigrieti m'għandhomx ikunu japplikaw. Il-qorti għandha tagħmel proċess verbal dwar il-ftuh ta' dawk it-testmenti u għandha tintbagħat kopja tagħhom lill-Arkivist ta' l-Atti Nutarili flimkien ma' dawk it-testmenti.”.

Għanijiet u Raġunijiet

L-ghan ta' l-Abbozz hu sabiex jemenda l-proċedura li biha ċerti testmenti sigrieti jintbagħtu mill-qrati għall-Arkivji Nutarili.

**A BILL
entitled**

*AN ACT to amend the Code of Organization and Civil Procedure,
Cap. 12.*

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 Code of Organization and Civil Procedure (Amendment) Act, 1999, and shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter referred to as "the Code".

Short title.

Cap. 12.

2. Subsections (3) and (4) of section 533 of the Code shall be deleted.

Amendment of section 533 of the Code.

3. Immediately after section 535 of the Code there shall be added the following section:

Addition of new section 535A to the Code.

"Opening of wills older than 100 years.

535A. (1) Where any secret wills have been received by the registrar in accordance with the provisions of this Title but have not been withdrawn by the testators, or opened and published, and one hundred years have elapsed since the date of the presentation of the wills, the registrar shall prepare and publish a list of the said wills in the Gazette.

(2) After the publication of the list mentioned in subsection (1) of this section in the Gazette, the court shall establish a day and time in which the wills mentioned in the list shall be opened in public. The court shall then order that the said wills be transmitted to the Archivist of Notarial Acts who shall register these wills in a book to be kept by him and the other provisions of this Title regarding opening and publication of secret wills shall not apply. The court shall draw up a *procès-verbal* of the opening of the said wills and a copy thereof shall be transmitted to the Archivist of Notarial Acts together with the said wills.”.

Objects and Reasons

The object of the Bill is to amend the procedure whereby certain secret wills are transmitted from the courts to the Notarial Archives.