

Nru. 155

14. 11. 95

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Michael Refalo, M.P., Ministru tal-Ġustizzja u Kultura, u moqri għall-Ewwel Darba fis-Seduta tas-6 ta' Novembru, 1995.

A BILL introduced by the Honourable Michael Refalo, M.P., Minister of Justice and the Arts, and read the First Time at the Sitting of the 6th November, 1995.

ATT biex ikompli jemenda l-Att dwar ir-Registrazzjoni ta' Artijiet, Kap. 296.

AN ACT further to amend the Land Registration Act, Cap. 296.

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

RICHARD J. CAUCHI
Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex ikompli jemenda l-Att dwar ir-Registrazzjoni ta' Artijiet, Kap. 296.

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) Dan l-Att jista' jissejjah l-Att ta' l-1995 li jemenda l-Att dwar ir-Registrazzjoni ta' Artijiet (Emenda Nru. 2), u għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar ir-Registrazzjoni ta' Artijiet, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor
u bidu fis-sehh.

Kap. 296.

(2) Id-dispożizzjonijiet li ġejjin ta' dan l-Att għandhom jibdwew isehhu f'dik id-data li l-Ministru responsabbli għall-Ġustizzja jista' jistabbilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal dispożizzjonijiet u għanijiet differenti ta' dan l-Att.

2. Fis-subartikolu (3) ta' l-artikolu 13 ta' l-Att prinċipali, minflok il-kliem "jew bejgħ bil-qorti jew" għandhom jidhlu l-kliem "jew bejgħ bil-qorti jew il-fidwa jew".

Emenda ta'
l-artikolu 13 ta'
l-Att prinċipali.

3. Fis-subartikolu (1) ta' l-artikolu 14 ta' l-Att prinċipali għandha tiżdied in-nota marginali "Kap. 12." biswit il-kliem "Kodiċi ta' Organizzazzjoni u Proċedura Ċivili".

Emenda ta'
l-artikolu 14 ta'
l-Att prinċipali.

Emenda ta' l-artikolu 15 ta' l-Att prinċipali.

4. Fil-paragrafu (ċ) tas-subartikolu (5) ta' l-artikolu 15 ta' l-Att prinċipali, minflok il-kliem "jew f'xi ċertifikat ta' art jew f'ċertifikat ta' ipoteka," ghandhom jidhlu l-kliem "jew f'xi ċertifikat jew dokument,".

Emenda ta' l-artikolu 22 ta' l-Att prinċipali.

5. Fl-artikolu 22 ta' l-Att prinċipali minflok il-kliem "b'titolu assolut" ghandhom jidhlu l-kliem "b'titolu garantit" u fin-nota marginali ghal dak l-artikolu minflok il-kliem "b'titolu assolut." ghandhom jidhlu l-kliem "b'titolu garantit.".

Emenda ta' l-artikolu 23 ta' l-Att prinċipali.

6. Fis-subartikolu (1) ta' l-artikolu 23 ta' l-Att prinċipali, minflok il-kliem "b'titolu ta' pussess" ghandhom jidhlu l-kliem "b'titolu li ma jkunx titolu garantit" u fin-nota marginali ghal dak l-artikolu minflok il-kliem "b'titolu ta' pussess." ghandhom jidhlu l-kliem "b'titolu li ma jkunx titolu garantit.".

Emenda ta' l-artikolu 24 ta' l-Att prinċipali.

7. Fit-test Malti tas-subartikolu (2) ta' l-artikolu 24 ta' l-Att prinċipali, minflok il-kliem "skond l-artikolu" ghandhom jidhlu l-kliem "skond dan l-artikolu".

Emenda ta' l-artikolu 29 ta' l-Att prinċipali.

8. Fis-subartikolu (2) ta' l-artikolu 29 ta' l-Att prinċipali, minflok il-kliem "b'titolu kwalifikat jew ta' pussess," ghandhom jidhlu l-kliem "b'titolu li ma jkunx titolu garantit jew b'titolu kwalifikat skond id-dispożizzjonijiet ta' dan l-Att,".

Emenda ta' l-artikolu 49 ta' l-Att prinċipali.

9. Fin-nota marginali ghall-artikolu 49 ta' l-Att prinċipali minflok il-kliem "jsir assolut." ghandhom jidhlu l-kliem "jsir wiehed garantit.".

Emenda ta' l-artikolu 59 ta' l-Att prinċipali.

10. Is-subartikolu (2) ta' l-artikolu 59 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:—

(a) fil-paragrafu (h) tiegħu, minflok il-kliem "f'ċertifikat ta' art," ghandhom jidhlu l-kliem "f'ċertifikati,;" u

(b) fil-paragrafu (p) tiegħu, minflok il-kliem "jipprovdi ghal" ghandhom jidhlu l-kliem "sabiex jipprovdi ghal".

Emenda ta' l-Att Nru. VII ta' l-1995.

11. Fis-subartikolu (2) ġdid li hemm fil-paragrafu (ċ) ta' l-artikolu 26 ta' l-Att ta' l-1995 li jemenda l-Att dwar ir-Registrazzjoni ta' Artijiet, minflok il-kliem "kienet sitwata f'area ta' registrazzjoni:" ghandhom jidhlu l-kliem "kienet jew ma kienetx sitwata f'area ta' registrazzjoni:".

Emenda tal-Kap 55.

12. Minnufih wara s-subartikolu (7) ta' l-artikolu 50 ta' l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, ghandu jiżdied dan is-subartikolu ġdid li ġej:—

“(8) Dan l-artikolu u kull dispożizzjoni ta’ l-Att dwar ir-Registru Pubbliku u tal-Kodiċi Ċivili jew ta’ kull liġi oħra, minbarra d-dispożizzjonijiet ta’ l-Att dwar ir-Registrazzjonijiet ta’ Artijiet, li jkollhom x’jaqsmu mar-registrazzjoni ta’ xi att pubbliku jew ta’ xi trasferiment jew ipoteka ta’ proprjetà fir-Registru Pubbliku, dwar proprjetà imsemmija fis-subartikolu (1) ta’ l-artikolu 11 ta’ l-imsemmi Att dwar ir-Registrazzjoni ta’ Artijiet, ma ghandhomx ikunu japplikaw dwar dik il-proprjetà, u lwar dik l-art, ebda parti ma tkun mehtieġa iddahhal nota jew tagħmel xi att ieħor fir-Registru Pubbliku, iżda ghandha minflok thares id-dispożizzjonijiet ta’ l-imsemmi Att dwar ir-Registrazzjoni ta’ Artijiet.”.

Kap. 56.

Kap. 16.

Kap. 296.

Ghanijiet u Raġunijiet

L-Ghan ta’ l-Abbozz hu sabiex iwettaq xi emendi żgħar fl-Att dwar ir-Registrazzjoni ta’ Artijiet u l-Att relattiv li jemendah, kif ukoll biex jagħmel emenda li ghandha x’taqsam ma’ dan fl-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili.

**A BILL
entitled**

AN ACT further to amend the Land Registration Act, Cap. 296.

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 and commencement.

Cap. 296.

1. (1) This Act may be cited as the Land Registration (Amendment) (No. 2) Act, 1995, and shall be read and construed as one with the Land Registration Act, hereinafter referred to as “the principal Act”.

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

Amendment of section 13 of the principal Act.

2. In subsection (3) of section 13 of the principal Act, for the words “or a judicial sale” there shall be substituted the words “or judicial sale or redemption”.

Amendment of section 14 of the principal Act.

3. In subsection (1) of section 14 of the principal Act, there shall be added the marginal note “Cap. 12.” adjacent to the words “Code of Organisation and Civil Procedure”.

4. In paragraph (c) of subsection (5) of section 15 of the principal Act, for the words “or any land or charge certificate,” there shall be substituted the words “or any certificate or document.”

Amendment of section 15 of the principal Act.

5. In section 22 of the principal Act for the words “with an absolute title” there shall be substituted the words “with a guaranteed title” and in the marginal note thereof for the words “with absolute title.” there shall be substituted the words “with guaranteed title.”

Amendment of section 22 of the principal Act.

6. In subsection (1) of section 23 of the principal Act, for the words “with a possessory title” there shall be substituted the words “with a title which is not a guaranteed title” and in the marginal note thereof for the words “with possessory title.” there shall be substituted the words “with a title which is not a guaranteed title.”

Amendment of section 23 of the principal Act.

7. In the Maltese text of subsection (2) of section 24 of the principal Act, for the words “skond l-artikolu” there shall be substituted the words “skond dan l-artikolu”.

Amendment of section 24 of the principal Act.

8. In subsection (2) of section 29 of the principal Act, for the words “with a qualified or a possessory title,” there shall be substituted the words “with a title which is not a guaranteed title or with a title qualified in terms of the provisions of this Act.”

Amendment of section 29 of the principal Act.

9. In the marginal note of section 49 of the principal Act, for the words “into absolute.” there shall be substituted the words “into a guaranteed title.”

Amendment of section 49 of the principal Act.

10. Subsection (2) of section 59 of the principal Act shall be amended as follows:

Amendment of section 59 of the principal Act.

(a) in paragraph (h) thereof, for the words “in land certificates,” there shall be substituted the words “in certificates,”; and

(b) in paragraph (p) thereof, for the words “provide for” there shall be substituted the words “for providing for”.

11. In new subsection (2) in paragraph (c) of section 26 of the Land Registration (Amendment) Act, 1995, for the words “in a registration area:” there shall be substituted the words “whether in a registration area or not:”.

Amendment of Act No. VII of 1995.

12. Immediately after subsection (7) of section 50 of the Notarial Profession and Notarial Archives Act, there shall be added the following subsection:

Amendment of Cap. 55.

“(8) This section and any provision of the Public Registry Act or of the Civil Code or of any other law, other than the provisions of the Land Registration Act, relating to the registration of any public deed or of any transfer or hypothecation of any property in the Public Registry, with respect to property referred to in subsection (1) of section 11 of the said Land Registration Act, shall not apply with regard to such property, and with respect to such land, no party shall be required to present a note or make any other act in the Public Registry, but shall comply instead with the provisions of the said Land Registration Act.”.

Objects and Reasons

The Object of the Bill is to implement certain minor amendments to the Land Registration Act and the relative Amendment Act, and also to affect a related amendment in the Notarial Profession and Notarial Archives Act.