

MALTA

ATT Nru LXIII tal-2021

ATT maħruġ b'liġi mill-Parlament ta' Malta.

ATT sabiex jemenda l-Att dwar il-Professjoni Nutarili u Arkivji Nutarili, Kap. 55 u l-Att dwar Arkivji Nazzjonali, Kap. 477.

ACT No. LXIII of 2021

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Notarial Profession and Notarial Archives Act, Cap. 55 and the National Archives Act, Cap. 477.

Nagħti l-kunsens tiegħi.

(L.S.)

DOLORES CRISTINA
Aġent President

19 ta' Novembru, 2021

ATT Nru LXIII tal-2021

ATT sabiex jemenda l-Att dwar il-Professjoni Nutarili u Arkivji Nutarili, Kap. 55 u l-Att dwar Arkivji Nazzjonali, Kap. 477.

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2021 li jemenda l-ligijiet dwar l-Arkivji. Titolu fil-qosor.

TAQSIMA I
EMENDI GHALL-ATT DWAR IL-PROFESSJONI NUTARILI
U ARKIVJI NUTARILI

2. Din it-Taqsima temenda l-Att dwar il-Professjoni Nutarili u Arkivji Nutarili u għandha tinqara u tinftiehem haġa waħda mal-Att dwar il-Professjoni Nutarili u Arkivji Nutarili, minn hawn 'il quddiem imsejjaħ "l-Att prinċipali". Emendi għall-Att dwar il-Professjoni Nutarili u Arkivji Nutarili. Kap. 55.

3. Fil-proviso għall-paragrafu (j) tal-artikolu 12 tal-Att prinċipali, il-kliem "l-Awtorità msemmija fl-istess ligi." għandhom jiġu sostitwiti bil-kliem "l-Awtorità msemmija fl-istess ligi;" u Emenda tal-artikolu 12 tal-Att prinċipali.

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minnufih wara għandu jiġi miżjud dan il-paragrafu ġdid li ġej:

"(k) jekk, f'każ ta' kuntratt ta' bejgħ jew xiri ta' proprjetà immobbli, isir hlas fi flus kontanti kemm jekk sħiħ u kemm jekk parti minnu minn jew f'isem il-partijiet għall-kuntratt, fejn l-ammont ta' dak il-hlas jammonta għal għaxart elef euro (€10,000) jew iktar, jew l-ekwivalenti tiegħu fi kwalunkwe munita oħra:

L.S. 373.04. Iżda, għall-finijiet tal-paragrafu (k), it-termini "flus kontanti" u "proprjetà immobbli" ifissru l-istess bħat-tifsira mogħtija lilhom taħt ir-Regolamenti dwar Restrizzjoni fl-Użu ta' Flus Kontanti."

Emenda tal-artikolu 14 tal-Att prinċipali.

4. Fl-ewwel proviso għall-paragrafu (a) tas-subartikolu (1) tal-artikolu 14 tal-Att prinċipali, il-kliem "bħala Nutar Pubbliku." għandhom jiġu sostitwiti bil-kliem "bħala Nutar Pubbliku:" u minnufih wara għandu jiġi miżjud dan il-proviso ġdid li ġej:

"Iżda wkoll nutar li jkun jinsab f'impjieg full-time qabel is-27 ta' Lulju, 2021 għandu jkollu sal-1 ta' Ġunju, 2024 sabiex jirregola l-pożizzjoni tiegħu skont dan is-subartikolu. Atti nutarili riċevuti u kkompilati minn nutar li jkun jinsab f'impjieg full-time qabel l-1 ta' Ġunju, 2024 għandhom jitqiesu validi;"

Emenda tal-artikolu 18 tal-Att prinċipali.

5. L-artikolu 18 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) il-kliem "tal-atti u registri nutarili ta' dawk in-nutara li kienu nutara tal-Gvern" għandhom jiġu sostitwiti bil-kliem "tal-atti nutarili ta' dawk in-nutara li kienu nutara tal-Gvern" u l-kliem "u tal-atti u registri nutarili li huma ta' proprjetà tal-Gvern," għandhom jiġu sostitwiti bil-kliem "u tal-atti nutarili li huma proprjetà tal-Gvern,";

(b) il-paragrafi (a), (b) u (c) tal-proviso tiegħu għandhom jiġu enumerati mill-ġdid (b), (c) u (d) rispettivament; u

(c) fil-proviso tiegħu għandu jiżdied il-paragrafu ġdid li ġej:

Kap. 477.

"(a) l-Arkivista Nazzjonali mahtur skont l-Att dwar l-Arkivji Nazzjonali għandu jkun il-konservatur *ex officio* tar-registri nutarili ta' dawk in-nutara li kienu nutara tal-Gvern f'Malta u Għawdex, u tar-registri nutarili li huma proprjetà tal-Gvern, jew huma tal-privat, iżda għal xi raġuni jew oħra, ma jkollhomx nutar konservatur jew delegat jew meta dawn ir-registri jiġu maqbuda għal raġuni tajba kkontemplata f'dan l-Att;"

6. Il-paragrafu (d) tal-artikolu 97 tal-Att prinċipali għandu jiġi mħassar. Emenda tal-artikolu 97 tal-Att prinċipali.

7. Il-paragrafu (d) tal-artikolu 98 tal-Att prinċipali għandu jiġi mħassar. Emenda tal-artikolu 98 tal-Att prinċipali.

8. Minnufih wara l-artikolu 98 tal-Att prinċipali għandu jżied l-artikolu ġdid li ġej: Żieda tal-artikolu ġdid 98A fl-Att prinċipali.

"Registri nutarili depożitati għall-konservazzjoni fl-Arkivji Nazzjonali.

98A. Ir-registri kollha tal-atti nutarili rċevuti min-nutara li joqogħdu f'Malta u Għawdex jew Kemmuna meta dawn ir-registri huma proprjetà tal-Gvern, jew huma tal-privat iżda, għal xi raġuni jew oħra, ma jkollhomx nutar konservatur jew delegat, jew meta dawn ir-registri jiġu maqbuda minn idejn tali nutara għal raġuni tajba kkontemplata f'dan l-Att, għandhom jiġu depożitati fl-Arkivji Nazzjonali ta' Malta:

Iżda n-Natur Prinċipali tal-Gvern jista' jispezzjona u jieħu kopji tar-registri f'kull hin u mingħajr ebda ħlas."

9. L-artikolu 131 tal-Att prinċipali għandu jiġi emendat b'dan li ġej: Emenda tal-artikolu 131 tal-Att prinċipali.

(a) is-subartikoli (5) u (6) tiegħu għandhom jiġu enumerati mill-ġdid b'hal s-subartikoli (6) u (7); u

(b) minnufih wara s-subartikolu (4) tiegħu għandu jiġi miżjud dan is-subartikolu ġdid li ġej:

"(5) Nutar li jikser id-dispożizzjonijiet tal-artikolu 12(k) għandu jeħel, għal kull ksur, penali amministrattiva ta' mhux inqas minn ħames mitt euro (€500) u ta' mhux aktar minn ħamest elef euro (€5,000)."

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**TAQSIMA II
EMENDI GHALL-ATT DWAR ARKIVJI NAZZJONALI**

Emenda għall-Att dwar Arkivji Nazzjonali. Kap. 477.

10. Din it-Taqsima temenda l-Att dwar Arkivji Nazzjonali u għandha tinqara u tinftiehem haġa waħda mal-Att dwar Arkivji Nazzjonali, minn hawn 'il quddiem imsejjaħ "l-Att prinċipali".

Emenda tal-artikolu 9 tal-Att prinċipali.

11. Minnufih wara s-subartikolu (3) tal-artikolu 9 tal-Att prinċipali għandu jiżdied is-subartikolu ġdid li ġej:

Kap. 55. "4) Fil-każ li l-Arkivista Nazzjonali jintalab jispezzjona jew joħroġ kopja tar-reġistru ta' testament pubbliku depożitat fl-Arkivji Nazzjonali, id-dispożizzjonijiet tal-Att dwar il-Professjoni Nutarili u Arkivji Nutarili għandhom *mutatis mutandis* japplikaw."

Emenda tat-Tieni Skeda tal-Att prinċipali.

12. Minnufih wara l-paragrafu 3 tat-Tieni Skeda tal-Att prinċipali għandu jiżdied il-paragrafu ġdid li ġej:

"4. Ir-reġistri kollha tal-atti nutarili rċevuti min-nutara li joqogħdu f'Malta u Għawdex jew Kemmuna meta dawn ir-reġistri huma proprjetà tal-Gvern, jew huma tal-privat iżda, għal xi raġuni jew oħra, ma jkollhomx nutar konservatur jew delegat, jew meta dawn ir-reġistri jkunu maqbuda minn idejn tali nutara għal raġuni tajba kkontemplata f'dan l-Att, għandhom jiġu preservati f'repożitorju ta' arkivji li jaqa' taħt ir-responsabbiltà tal-Arkivji Nazzjonali:

Izda, ir-reġistri kollha tal-atti nutarili rċevuti min-nutara li joqogħdu f'Għawdex jew Kemmuna għandhom ikunu depożitati fis-sezzjoni ta' Għawdex tal-Arkivji Nazzjonali."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 520 tas-16 ta' Novembru, 2021.

CLAUDETTE BUTTIGIEG
Deputy Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

DOLORES CRISTINA
Acting President

19th November, 2021

ACT No. LXIII of 2021

AN ACT to amend the Notarial Profession and Notarial Archives Act, Cap. 55 and the National Archives Act, Cap. 477.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in the present Parliament assembled, and by the authority of the same as follows:-

1. The short title of this Act is the Archives Laws (Amendment) Act, 2021. Short title.

PART I
AMENDMENTS TO THE NOTARIAL PROFESSION AND
NOTARIAL ARCHIVES ACT

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

3. In the proviso to paragraph (j) of article 12 of the principal Act, the words "in terms of article 43 and 43A thereof." shall be Amendment of article 12 of the principal Act.

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substituted by the words "in terms of article 43 and 43A thereof;" and immediately thereafter there shall be added the following new paragraph:

"(k) which, being a contract of purchase or sale of immovable property, is paid in cash in whole or in part by or on behalf of the parties to the contract, where the sum of such payment amounts to ten thousand euro (€10,000) or more, or its equivalent in any other currency:

S.L. 373.04. Provided that, for the purposes of paragraph (k), the terms "cash" and "immovable property" mean the same as the meaning assigned to them in the Use of Cash (Restriction) Regulations."

Amendment of article 14 of the principal Act.

4. In the first proviso to paragraph (a) of sub-article (1) of article 14 of the principal Act, the words "as a Notary Public." shall be substituted by the words "as a Notary Public:" and immediately thereafter there shall be added the following new proviso:

"Provided also that a notary who is in full-time employment before the 27th July, 2021 shall have until 1st June, 2024 in order to regularise his position in accordance with this sub-article. Notarial acts received and drawn up by a notary who is in full-time employment before 1st June, 2024 shall be considered valid;"

Amendment of article 18 of the principal Act.

5. Article 18 of the principal Act shall be amended as follows:

(a) the words "deeds and registers of former notaries to Government", shall be substituted by the words "deeds of former notaries to Government", and the words "and of the notarial acts and registers belonging to the Government" shall be substituted by the words "and of the notarial acts belonging to the Government";

(b) paragraphs (a), (b) and (c) of the proviso thereof, shall be renumbered as (b), (c), and (d) respectively; and

(c) in the proviso thereof, there shall be added the

following new paragraph:

Cap. 477. "(a) the National Archivist appointed in accordance with the National Archives Act shall be the *ex officio* curator of the notarial registers of those notaries who were Government notaries in Malta and Gozo, and of the notarial registers belonging to the Government, or which are privately owned but, for one reason or another, do not have a conservator or delegated notary or when such registers are seized for a good reason contemplated in this Act;"

6. Paragraph (d) of article 97 of the principal Act shall be deleted. Amendment of article 97 of the principal Act.

7. Paragraph (d) of article 98 of the principal Act shall be deleted. Amendment of article 98 of the principal Act.

8. Immediately after article 98 of the principal Act, there shall be added the following new article: Addition of new article 98A to the principal Act.

"Notarial deeds deposited for preservation in the National Archives.

98A. All registers of notarial deeds received by notaries residing in Malta and Gozo or Comino when such registers belong to the Government, or are privately owned but, for one reason or another, do not have a conservator or delegated notary, or when such registers are seized from the hands of such notaries for a good reason contemplated in this Act they shall be deposited in the National Archives of Malta:

Provided that the Chief Notary to Government may inspect and take copies of the registries at all times and free of charge."

9. Article 131 of the principal Act shall be amended by the following: Amendment of article 131 of the principal Act.

(a) sub-articles (5) and (6) thereof shall be renumbered as sub-articles (6) and (7); and

(b) immediately after sub-article (4) thereof there shall be added the following new sub-article:

"(5) A notary who breaches the provisions of article 12(k) shall incur an administrative penalty, for each breach, of not less than five hundred euro (€500) and not more than five thousand euro (€5,000)."

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PART II
AMENDMENTS TO THE NATIONAL ARCHIVES ACT

Amendment to
the National
Archives Act.
Cap. 477.

10. This Part amends the National Archives Act and shall be read and construed as one with the National Archives Act, hereinafter referred to as the "principal Act".

Amendment of
article 9 of the
principal Act.

11. Immediately after sub-article (3) of article 9 of the principal Act, there shall be added the following new sub-article:

Cap. 55.

"(4) In the event that the National Archivist is requested to inspect or issue a copy of the register of a public will deposited in the National Archives, the provisions of the Notarial Profession and Notarial Archives Act shall *mutatis mutandis* apply."

Amendment of
the Second
Schedule to the
principal Act.

12. Immediately after paragraph 3 of the Second Schedule to the principal Act, there shall be added the following new paragraph:

"4. All registers of notarial deeds received by notaries residing in Malta and Gozo or Comino when these registers belong to the Government, or are privately owned but, for one reason or another, do not have a conservator or delegated notary, or when such registers are seized from the hands of such notaries for a good cause contemplated in this Act, shall be preserved in a repository of archives falling under the responsibility of the National Archives:

Provided that all registers of notarial deeds received by notaries residing in Gozo or Comino shall be deposited in the Gozo section of the National Archives."

Passed by the House of Representatives at Sitting No. 520 of the 16th November, 2021.

CLAUDETTE BUTTIGIEG
Deputy Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA