

Naghti l-kunsens tieghi.

(L.S.)

ĠUŻÈ CASSAR
Aġent President

9 ta' Lulju, 1999

ATT Nru. XI ta' l-1999

*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'ligi 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'tuħ ta' testmenti li jkunu saru aktar minn mija u hamsin 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 mija u hamsin sena mid-data tal-prezentata 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 ghandha tappunta jum u hin meta t-testmenti msemmija fl-elenku ghandhom jinfethu fil-pubbliku minghajr il-bżonn li jinqraw. Il-qorti ghandha mbaghad tordna li dawk it-testmenti ghandhom jintbagħtu għand l-Arkivist ta' l-Atti Nutarili li għandu jirreġistra dawn it-testmenti fi ktieb li għandu jinzamm 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 ghandha tagħmel proċess verbal dwar il-ftuh ta' dawk it-testmenti, liema proċess verbal għandu jikkonstata biss id-data u lok tal-ftuh tagħhom, u jekk id-dokument publikat jikkontjenix testment jew le. Kopja tal-proċess verbal flimkien ma' dawk it-testmenti ghandhom jintbagħtu lill-Arkivist ta' l-Atti Nutarili u minn dak inhar jkunu miftuha għall-ispezzjoni u hrug ta' kopji tagħhom.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 126 tal-21 ta' Ġunju, 1999.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

ĠUŻÈ CASSAR
Acting President

9th July, 1999

ACT No. XI of 1999

*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.
- 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 and fifty 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.
- "Opening of wills older than one hundred and fifty years."

(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 without the necessity of their being read. 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, which shall only state the date and place of their opening, and whether the document so published contains a will or not. A copy of such *procès-verbal*, together with those wills shall be transmitted to the Archivist of Notarial Acts, and from that date such wills shall be open to inspection and to the issue of copies thereof.

Passed by the House of Representatives at Sitting No. 126 of the 21st June, 1999.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives