

MALTA

ATT Nru. X ta' I-1982

ATT mahruġ b'ligi mill-Parlament ta' Malta.

ATT biex jipprovdi għall-kariga ta' Kuratur Pubbliku.

ACT No. X of 1982

AN ACT enacted by the Parliament of Malta.

AN ACT to provide for the establishment of the office of Public Curator.

Nagħti l-kunsens tiegħi.

(L.S.)

AGATHA BARBARA
President

1 ta' Settembru, 1982

ATT Nru. X ta' l-1982

ATT biex jipprovdi għall-kariga ta' Kuratur Pubbliku.

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

Titolu fil-qosor u
bidu fis-sehħ.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1982 dwar il-Kuratur Pubbliku, u għandu jibda jsehh f'dik id-data li l-Ministru responsabbli għall-ġustizzja, jista' jistabbilixxi b'avviż fil-Gazzetta.

Kariga ta'
Kuratur Pubbliku.

2. (1) Għandu jkun hemm Kuratur Pubbliku li l-kariga tiegħu għandha tkun kariga uffiċjali, u li jkollu l-funzjonijiet li huma vestiti fih b'dan l-Att jew tahtu.

(2) Il-Kuratur Pubbliku jkun maħtur mill-Prim Ministru, għal dak iż-żmien u taht dawk il-pattijiet u kondizzjonijiet, li l-Prim Ministru jista' jiddeċiedi.

(3) Ebda persuna ma tkun tista' tinħatar Kuratur Pubbliku, sakemm ma tkunx laħqet l-età ta' 25 sena, u sakemm ma tkunx jew uffiċjal fis-servizz pubbliku jew persuna li fil-fehma tal-Prim Ministru, wara li jqis il-profiċjenza u l-esperjenza tagħha fl-amministrazzjoni ta' patrimonji, tkun xierqa biex tiġi hekk maħtura.

(4) Il-Prim Ministru jista' jahtar kull uffiċjal pubbliku jew dak in-numru ta' persuni li ma jkunux uffiċjali pubbliċi kif jista' jiddeċiedi biex ikunu uffiċjali tal-Kuratur Pubbliku għal dak iż-żmien u taht dawk il-pattijiet u l-kondizzjonijiet li l-Prim Ministru jista' jiddeċiedi.

(5) Mal-ħatra tagħhom il-Kuratur Pubbliku u l-uffiċjali tal-Kuratur Pubbliku għandhom jieħdu ġurament li jaqdu fedelment u onestament il-funzjonijiet kollha li jkunu meħtieġa jaqdu taht dan l-Att. Il-ġurament għandu jittiehed quddiem l-Avukat Generali.

3. (1) Bla ħsara għal u skond id-disposizzjonijiet ta' dan l-Att, il-funzjonijiet hawn taħt imsemmija jistgħu jingħataw u jistgħu jsiru mill-Kuratur Pubbliku: Funzjonijiet ta'
Kuratur Pubbliku

- (a) l-amministrazzjoni ta' patrimonji;
- (b) eżekuterija testamentarja;
- (ċ) l-eżekuzzjoni ta' testmenti li għaliha jirreferi l-artikolu 816 tal-Kodiċi Ċivili;
- (d) il-funzjoni ta' sekwestratarju ġudizzjarju kif imsemmi fis-Sub-Titlu III tat-Titlu VI tat-Tielet Ktieb tal-Kodiċi ta' l-Organizzazzjoni u Proċedura Ċivili;
- (e) kurazija ta' persuni nterdetti, inabilitati jew neqsin, u wirt battal;
- (f) l-ispezzjon ta' kontijiet ta' tuturi, kuraturi jew amministraturi oħra.

(2) Fl-eżerċizzju ta' dawk il-funzjonijiet il-Kuratur Pubbliku jkollu dawk il-jeddijiet kollha u jkun sugġett għal dawk l-obbligi kollha li taħt xi liġi huma inerenti għal dawk il-funzjonijiet:

Iżda l-Kuratur Pubbliku jkun eżentat milli jagħti xi garanzija jew assigurazzjoni oħra qabel jew malli tiġi vestita fih xi funzjoni taħt dan l-Att:

Iżda wkoll il-Kuratur Pubbliku għandu jzomm reġistru tal-proprjetà li dwarha hu jeżerċita l-funzjonijiet tiegħu u malli jsir ir-reġistru u avviż tiegħu jingħata fil-Gazzetta, il-Kuratur Pubbliku ma jkunx marbut li jagħmel xi att ieħor meħtieġ b'liġi dwar id-deskrizzjoni ta' dik il-proprjetà.

(3) (a) Il-Kuratur Pubbliku jista' jawtorizza bil-miktub lil kull wieħed mill-uffiċjali tiegħu biex f'ismu jaqdi kull waħda mill-funzjonijiet vestiti fih skond id-disposizzjonijiet ta' dan l-Att;

(b) Fl-eżerċizzju tal-jeddijiet u tal-funzjonijiet tagħhom l-uffiċjali tal-Kuratur Pubbliku jkunu taħt ir-responsabbiltà tal-Kuratur Pubbliku.

(4) Bla ħsara għal kull dritt li għandha taħt xi liġi, kull persuna aggravata b'xi għemil jew nuqqas tal-Kuratur Pubbliku fl-eżerċizzju tal-funzjoni tiegħu taħt dan l-Att, tista' b'rikors, tirreferi l-każ lis-Sekond' Awla tal-Qorti Ċivili, u l-Qorti wara li tisma' lill-Kuratur Pubbliku, għandha tagħti dak l-ordni u dak il-parir li fil-fehma tal-Qorti jwassal għal soluzzjoni Prattika u ekwa tal-każ.

(5) Il-kontijiet dwar il-proprjetà li dwarha l-Kuratur Pubbliku jeżerċita l-funzjonijiet tiegħu, flimkien ma' rapport ta' l-amministrazzjoni tagħha, għandhom jingħataw kull sena lil dik il-persuna jew awtorità, f'dawk iż-żmienijiet u b'dak il-mod kif jista' jiġi preskritt taħt dan l-Att:

Iżda fil-każ ta' proprjetà li dwarha ebda persuna li jkollha nteress ma tista' tinstab il-Kuratur Pubbliku għandu kull sena jagħmel rapport ta' l-amministrazzjoni ta' dik il-proprjetà lill-Ministru responsabbli għall-ġustizzja. Dak ir-rapport għandu jinkludi l-kontijiet ta' l-amministrazzjoni għal perijodu ta' tnaqqas-il xahar li jagħlqu fil-31 ta' Diċembru, verifikati kif imiss skond l-artikolu 11 ta' dan l-Att, u għandu jitqiegħed fuq il-Mejda tal-Kamra tad-Deputati mill-imsemmi Ministru mhux iktar tard mill-31 ta' Marzu li jaħbat wara s-sena li għaliha jirreferu r-rapport u l-kontijiet.

Proċedura dwar
il-ħatra ta'
Kuratur Pubbliku
bħala
amministratur,
eċċ.

4. (1) Il-Kuratur Pubbliku għandu jiġi nominat, maħtur jew konfermat biex jaqdi l-funzjonijiet tiegħu bħala amministratur, eżekutur, sekwestratarju jew kuratur dwar proprjetà msemija fl-att tan-nomina, ħatra jew konferma, minn kull Qorti li jkollha ġurisdizzjoni jew minn kull persuna, skond il-każ, bl-istess mod kif, fid-disposizzjonijiet jew taħt id-disposizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jew ta' xi liġi oħra, huma applikabbli għal dik il-funzjoni, safejn dawk id-disposizzjonijiet ma jkunux ma jaqblux mad-disposizzjonijiet ta' dan l-Att:

Iżda l-Kuratur Pubbliku jitqies li jkun ikkonfermat bħala eżekutur testamentarju mis-Sekond'Awla tal-Qorti Ċivili malli jipprezenta nota fir-registru ta' l-istess Qorti, fejn jiddikjara li aċċetta l-eżekutorija testamentarja.

(2) Malli l-Kuratur Pubbliku jieħu l-inkarigu, b'dikjarazzjoni ppubblikata fil-Gazzetta, biex jamministra l-proprjetà, l-amministrazzjoni għandha bis-saħħa ta' dan l-Att u bla hteġa ta' xi formalità oħra mitluba mil-liġi, tiġi, vestita fih.

Il-Kuratur
Pubbliku
ma jistax
jirrifjuta
ħatra.

5. (1) Il-Kuratur Pubbliku jista' jirrifjuta li jamministra xi proprjetà jew b'mod assolut jew b'kondizzjoni:

Iżda l-Kuratur Pubbliku ma jistax jirrifjuta xi ħatra minn Qorti taħt dan l-Att, kemm-il darba s-Sekond'Awla tal-Qorti Ċivili, fuq rikors tal-Kuratur Pubbliku meta tiġi mogħtija raġuni xierqa ma tawtorizzax biex hekk jagħmel:

Iżda wkoll il-Kuratur Pubbliku ma jistax hekk jirrifjuta, jew ikun hekk awtorizzat biex jirrifjuta, biss minħabba l-fatt li l-valur tal-patrimonju biex jiġi amministrat ikun żgħir.

(2) Is-Sekond'Awla tal-Qorti Ċivili tista', fuq rikors tal-Kuratur Pubbliku f'kull żmien wara l-ħatra tiegħu, tissostitwixxi xi persuna oħra minflok, jew taħtar lil xi persuna flimkien ma', il-Kuratur Pubbliku fil-qadi tal-funzjonijiet tiegħu kollha jew ta' whud minnhom dwar kull proprjetà speċifikata fid-digriet tal-Qorti.

(3) Il-Kuratur Pubbliku m'għandux jaċċetta xi ħatra li tinvolvi t-tmexxija, jew it-tkomplija, ta' xi negozju, hliet fil-każijiet li jkun awtorizzat għalihom taħt regolamenti magħmula taħt dan l-Att, lanqas ma għandu jaċċetta l-amministrazzjoni ta' xi patrimonju li hu jkollu raġun jaħseb li ma jkunx solvibbli.

(4) Il-Kuratur Pubbliku m'għandux jaċċetta l-amministrazzjoni ta' xi proprjetà li l-għanijiet tagħha jkunu esklużivament reliġjużi jew ta' karità.

Il-Kuratur
Pubbliku
jaġixxi
fl-interess
tal-patrimonju.

6. Fil-qadi tal-funzjonijiet tiegħu taħt dan l-Att, il-Kuratur Pubbliku għandu jaġixxi fl-aħjar interessi tal-persuni li jkollhom id-dritt fil-proprjetà jew fuq il-proprjetà mqiegħda taħt il-kontroll tiegħu skond id-disposizzjonijiet ta' dan l-Att.

Drittijiet li
jithallsu lil
Kuratur Pubbliku.

7. (1) Id-drittijiet li għandhom jithallsu għal servizzi magħmula taħt dan l-Att għandhom ikunu dawk preskritti taħt l-Artikolu 17 ta' l-Att.

(2) Il-Kuratur Pubbliku għandu jiġbor dawk id-drittijiet f'isem il Gvern.

8. (1) Kull persuna li jkollha nteress f'patrimonju, li l-valur kapitali gross tiegħu jkun inqas minn għaxart elef lira, tista' b'rikors titlob lis-Sekond'Awla tal-Qorti Ċivili biex tordna li l-amministrazzjoni ta' dak il-patrimonju tiġi vestita fil-Kuratur Pubbliku.

Amministrazzjoni ta' patrimonji żgħar.

(2) Mar-rikors il-Qorti għandha tisma' lill-Kuratur Pubbliku, u għandha, sakemm ma jkunx hemm raġuni serja biex ma tagħmilx hekk fl-interess tal-persuni konċernati, tinvesti fil-Kuratur Pubbliku l-amministrazzjoni tal-patrimonju.

(3) Is-Sekond'Awla tal-Qorti Ċivili tista', mingħajr ma jsiru proċedimenti ġudizzjarja, tagħti permess lill-Kuratur Pubbliku biex ibiegħ jew xort'oħra jittrasferixxi kull porprjetà amministrata minnu.

(4) Kull persuna li, kieku ma kienx hemm id-digriet tal-Qorti li bih ġiet vestita l-amministrazzjoni fil-Kuratur Pubbliku, kien ikollha jedd li tamministra l-patrimonju, tkun meħlusa mir-responsabbiltà kollha li toħroġ mill-amministrazzjoni hliet dwar kull responsabbiltà li tkun dahlet għaliha qabel id-digriet.

9. Kull persuna li tkun qed taqdi xi funzjoni li tista', skond id-disposizzjonijiet ta' l-artikolu 3 ta' dan l-Att tingħata lill-Kuratur Pubbliku, minkejja li dik il-persuna tkun aġixxiet fl-amministrazzjoni tal-patrimonju, tista', bl-approvazzjoni tal-Qorti, u wara li jkun ingħata dak l-avviż lill-persuni nteressati benefiċjarjament, kif il-Qorti tista' tordna, tittrasferixxi l-amministrazzjoni ta' dak il-patrimonju lill-Kuratur Pubbliku:

Sostituzzjoni ta' eżekutor testamentarju, eċċ. bil-Kuratur Pubbliku.

Iżda l-Qorti tista' tordna li dak il-patrimonju jiġi amministrat mill-Kuratur Pubbliku waħdu jew flimkien mar-rikorrent u/jew ma' persuna oħra.

10. Bla ħsara għad-disposizzjonijiet ta' dan l-Att, il-Kuratur Pubbliku jista' jaġixxi jew waħdu jew flimkien ma' xi persuna oħra f'kull funzjoni li jista' jkun imqabbaż jaġmel taħt dan l-Att.

Kuratur Pubbliku jista' jaġixxi flimkien ma' oħrajn.

11. Il-kontijiet dwar il-proprjetà mqieghda taħt il-kontroll tal-Kuratur Pubbliku jkunu suġġetti għal verifika mid-Direttur ta' Verifika.

Kontijiet suġġetti għal verifika mid-Direttur ta' Verifika.

12. (1) Minkejja d-disposizzjonijiet ta' l-artikolu 511 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jew ta' xi liġi oħra, l-ispezzjoni tal-kontijiet ta' tuturi, kuraturi jew amministraturi oħra għandha ssir mill-Kuratur Pubbliku.

Spezzjon ta' kontijiet mill-Kuratur Pubbliku.

(2) Malli jispiċċa l-ispezzjoni l-Kuratur Pubbliku għandu jaġmel rapport u jiċċertifika li l-kontijiet juru stampa ċara tal-qagħda u ta' l-amministrazzjoni jew li dawk il-kontijiet ikunu defiċjenti f'dak li jiġi speċifikat f'dan iċ-ċertifikat.

(3) Dik l-ispezzjoni tista' ssir kull meta l-Kuratur Pubbliku jidhirlu xieraq u għandha ssir ukoll fuq ordni tal-Qorti, jew tista' ssir ukoll fuq it-talba ta' xi tutur, kuratur jew amministratur ieħor responsabbli għal, jew benefiċjarju li jkollu nteress fi, l-kontijiet li jridu jiġu spezzjonati, ukoll jekk dik l-amministrazzjoni tkun inbdiet qabel il-bidu fis-seħħ ta' dan l-Att.

Kuratur Pubbliku
jkollu aċċess
għall-kotba.

13. Il-Kuratur Pubbliku jkollu l-jedd ta' aċċess għall-kotba tal-kontijiet u għal kull dokument ieħor li jkollu x'jaqsam ma' l-amministrazzjoni u jista' jeħtieġ mingħand kull tutur, kuratur jew amministratur ieħor dak it-tagħrif u dik l-ispejgazzjoni li jidhirlu meħtieġa għall-qadi tad-dmirijiet tiegħu.

Nuqqas li jiġu
prodotti
dokumenti.

14. Jekk xi persuna jkollha l-kustodja ta' xi ktieb ta' kontijiet jew ta' dokumenti oħra li l-Kuratur Pubbliku jkollu jedd ta' aċċess għalihom taħt dan l-Att, tonqos li tipproduċi lil, jew tirrifjuta li thalli, lill-Kuratur Pubbliku li jkollu aċċess għalihom jew li b'xi mod ieħor ittellef li jsir eżami, il-Kuratur Pubbliku jista' jagħmel rikors fis-Sekond'Awla tal-Qorti Ċivili, u ma' dan il-Qorti għandha tagħti dak l-ordni li jidhirlha xieraq biex ikun infurzat il-jedd tal-Kuratur Pubbliku. Nuqqas li jiġihares digriet mogħti mill-Qorti jitqies li hu disprezz tal-Qorti u għalih ikun hemm l-istess pjeni.

Persuni nteressati
jkollhom jedd
li jispezzjonaw
kontijiet, eċċ.

15. Kull persuna li jkollha nteress f'xi proprjetà mqiegħda taħt il-kontroll tal-Kuratur Pubbliku jkollha jedd, bla ħsara għal kull regolament magħmul taħt dan l-Att, li fil-hinijiet kollha raġonevoli tispezzjona u tiegħu kopji tal-kontijiet dwar dik il-proprjetà, u, mal-ħlas ta' dawk id-drittijiet li jistgħu jiġu preskritti, tingħata kopji tagħhom jew estratti minnu.

Reati u pjeni.

16. Kemm-il darba l-egħmil ma jikkostitwixxix reat akbar taħt xi liġi oħra, kull persuna li f'xi dokument, maħsub għall-Kuratur Pubbliku, xjentement tagħmel dikjarazzjoni jew stqarrija falza jew tagħti tagħrif falz tkun hatja ta' reat u tehel, meta tinsab hatja, prigunerija għal żmien ta' mhux iżjed minn sitt xhur jew multa.

Setgħa għall-
egħmil ta'
regolamenti.

17. Il-Ministru responsabbli għall-gustizzja jista' jagħmel regolamenti biex jippreskrivu —

(a) id-drittijiet li għandhom jithallsu lill-Kuratur Pubbliku għal servizzi mogħtija taħt dan l-Att;

(b) kull haġa li tista' tiġi preskritta taħt dan l-Att;

(c) il-mod kif proprjetà amministrata mill-Kuratur Pubbliku jew xi amministratur ieħor għandha tiġi offerta għall-bejgħ jew għal kull xorta oħra ta' trasferiment; u

(d) b'mod ġenerali, biex jiżguraw it-twerttieq aħjar ta' kull waħda mid-disposizzjonijiet ta' dan l-Att.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 42 tat-30 ta' Awissu, 1982.

DANIEL MICALLEF
Speaker

C. MIFSUD

Skriwan tal-Kamra tad-Deputati

I assent.

(L.S.)

AGATHA BARBARA
President

1st September, 1982

ACT No. X of 1982

AN ACT to provide for the establishment of the office of Public Curator.

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 Public Curator Act, 1982, and shall come into force on such date as the Minister responsible for justice may by notice in the Gazette appoint. Short title
and
commencement.

2. (1) There shall be a Public Curator whose office shall be a public office, and who shall have the functions vested in him by or under this Act. Office of
Public Curator.

(2) The Public Curator shall be appointed by the Prime Minister, for such time and under such terms and conditions as the Prime Minister may determine.

(3) No person shall be eligible for appointment as Public Curator, unless he has attained the age of 25 years, and he is either an officer in the public service or is a person who in the opinion of the Prime Minister, having regard to his proficiency and experience in administration of estates, is suitable to be so appointed.

(4) The Prime Minister may appoint any public officer or such number of persons not being public officers as he may determine, to be officers of the Public Curator for such time and under such terms and conditions as the Prime Minister may determine.

(5) Upon their appointment the Public Curator and the officers of the Public Curator shall take an oath to perform faithfully and honestly all the functions which they may be required to perform under this Act. The oath shall be taken before the Attorney General.

3. (1) Subject to and in accordance with the provisions of this Act, the functions hereinafter mentioned may be conferred on and may be performed by the Public Curator:

- (a) the administration of estates;
- (b) testamentary executorship;
- (c) the execution of wills to which section 816 of the Civil Code refers;
- (d) the function of judicial sequestrator referred to in Sub-Title III of Title VI of Book Third of the Code of Organization and Civil Procedure;
- (e) curatorship to interdicted or incapacitated persons, absentees and vacant inheritances;
- (f) the examination of accounts of tutors, curators and other administrators.

(2) In the exercise of such functions the Public Curator shall have all those rights and be subject to all those obligations which under any law are inherent to such functions:

Provided that the Public Curator shall be exempt from giving any bond or other security prior to or upon the vesting in him of any function under this Act:

Provided further that a record of the property over which the Public Curator exercises his functions shall be kept by the Public Curator and on such record being made and notice thereof given in the Gazette, the Public Curator shall not be bound to do any further act required by law in relation to the description of such property.

(3) (a) The Public Curator may authorise in writing any of his officers to perform on his behalf any of the functions vested in him in accordance with the provisions of this Act;

(b) In the exercise of their duties and functions the officers of the Public Curator shall be responsible to the Public Curator.

(4) Without prejudice to any right competent to him under any law, any person aggrieved by any act or omission of the Public Curator in the exercise of his function under this Act, may, by application, refer the matter to the Civil Court, Second Hall, and the Court, after hearing the Public Curator, shall give such direction and advice as appears to the Court to be conducive to a practical and equitable solution to the matter.

(5) The accounts relating to the property over which the Public Curator exercises his functions, together with a report of the administration thereof, shall be rendered annually to such person or authority, at such times and in such manner as may be prescribed under this Act:

Provided that in the case of property over which no person having an interest can be traced the Public Curator shall each year make a report of the administration of such property to the Minister responsible for justice. Such report shall include the accounts of the administration covering a period of twelve months ending on the 31st December, duly audited in terms of section 11 of this Act, and shall be laid on the Table of the House of Representatives by the said Minister not later than the 31st day of March following the year to which the report and accounts refer.

4. (1) The Public Curator shall be nominated, appointed, or confirmed to perform his functions as administrator, executor, sequestrator or curator in relation to any property mentioned in the instrument of nomination, appointment or confirmation, by any Court having jurisdiction or by any person, as the case may be, in like manner as is, in or under the provisions of the Code of Organization and Civil Procedure or any other law, applicable to such function, in so far as such provisions are not incompatible with the provisions of this Act:

Procedure relating to appointment of Public Curator as administrator, etc.

Provided that the Public Curator shall be deemed to have been confirmed as testamentary executor by the Second Hall, Civil Court on his filing a note in the registry of the said Court, declaring that he has accepted the testamentary executorship.

(2) On the Public Curator undertaking by declaration published in the Gazette, to administer the property, such administration shall, by virtue of this Act and without the necessity of any other formality required by law, vest in him.

5. (1) The Public Curator may either absolutely or conditionally decline to administer any property:

Public Curator may not decline appointment.

Provided that the Public Curator may not decline any appointment by a Court under this Act, unless the Civil Court, Second Hall, on the application of the Public Curator upon good cause being shown, shall authorise him so to do:

Provided further that the Public Curator shall not so decline, or be so authorised to decline, solely on the ground that the value of the estate to be administered is small.

(2) The Civil Court, Second Hall, may, on the application made by the Public Curator at any time after his appointment, substitute any person for, or appoint any person jointly with, the Public Curator in the discharge of all or any of his functions in relation to any property specified in the decree of the Court.

(3) The Public Curator shall not accept any appointment which involves the management or carrying on of any business, except in the cases in which he may be authorised under the regulations made under this Act, nor shall he accept the administration of any estate which he has reasonable belief to be insolvent.

(4) The Public Curator shall not accept the administration of any property exclusively destined for religious or charitable purposes.

6. In the exercise of his functions under this Act, the Public Curator shall act in the best interests of the persons having a right in or over the property placed under his control in accordance with the provisions of this Act.

Public Curator to act in the interest of the estate.

7. (1) The fees payable for services performed under this Act shall be those prescribed under section 17 of the Act.

Fees payable to Public Curator.

(2) The Public Curator shall collect such fees on behalf of the Government.

8. (1) Any person having an interest in an estate, the gross capital value of which is less than ten thousand pounds, may apply to the

Administration of small estate.

Civil Court, Second Hall, to direct that the administration of such estate be vested in the Public Curator.

(2) Upon such application the Court shall hear the Public Curator, and shall, unless it has grave reason not to do so in the interest of the persons concerned, vest the Public Curator with the administration of the estate.

(3) The Civil Court, Second Hall, may, without judicial proceedings, give leave to the Public Curator to sell or otherwise transfer any property administered by him.

(4) Any person who, but for the decree of the Court vesting the administration in the Public Curator, would have been entitled to administer the estate, shall be discharged from all liability attaching to the administration except in respect of any liability incurred prior to the decree.

Substitution of testamentary executor etc. by Public Curator.

9. Any person performing any function which may, in accordance with the provisions of section 3 of this Act be conferred on the Public Curator, notwithstanding that he has acted in the administration of the estate, may, with the sanction of the Court, and after such notice being given to the persons beneficially interested, as the Court may direct, transfer the administration of such estate to the Public Curator:

Provided that the Court may direct that such estate be administered by the Public Curator solely or jointly with the applicant and/or any other person.

Public Curator may act jointly with others.

10. Subject to the provisions of this Act, the Public Curator may act either solely or jointly with any person in any function which he may be called to perform under this Act,

Accounts subject to audit by Director of Audit.

11. The accounts relating to property placed under the control of the Public Curator shall be subject to audit by the Director of Audit,

Examination of accounts by the Public Curator.

12. (1) Notwithstanding the provisions of section 511 of the Code of Organization and Civil Procedure or of any other law, the examination of the accounts of tutors, curators or other administrators shall be carried out by the Public Curator.

(2) On completion of such examination the Public Curator shall draw up a report and certify that the accounts show a true picture of the affairs of the administration or that such accounts are deficient in such respect as may be specified in such certificate.

(3) Such examination may be made at any time the Public Curator deems fit and shall also be made on the direction of the Court or may be also made on the demand of any tutor, curator or other administrator responsible for, or of any beneficiary, having an interest in, the accounts to be examined, even though such administration may have commenced prior to the coming into force of this Act.

Public Curator shall have access to books.

13. The Public Curator shall have the right of access to the books of account and any other document pertaining to the administration and may require from any tutor, curator or other administrator such information and explanation as may be necessary for the performance of his duties.

14. If any person having the custody of any book of accounts or other documents to which the Public Curator has a right of access under this Act, fails to produce to, or refuses to allow, the Public Curator to have access thereto or in any other way hinders an examination, the Public Curator may apply to the Civil Court, Second Hall, and thereupon the Court shall make such order as it deems fit to enforce the Public Curator's rights. Failure to abide by the decree given by the Court shall amount to contempt of court and shall become punishable as such.

Failure to produce documents.

15. Any person having an interest in any property placed under the control of the Public Curator shall, subject to any regulation made under this Act, be entitled at all reasonable times to inspect and take copies of the accounts relating to such property, and, upon the payment of such fees as may be prescribed, to be furnished with copies thereof or extracts therefrom.

Interested persons have right to inspect accounts. etc.

16. Unless the act constitutes a graver offence under any other law, any person who in any document, intended for the Public Curator, knowingly makes a false declaration or statement, or gives false information shall be guilty of an offence and shall be liable, on conviction, to imprisonment for a term not exceeding six months or to a fine (*multa*).

Offences and penalties.

17. The Minister responsible for justice may make regulations for prescribing —

Power to make regulations.

(a) the fees payable to the Public Curator for services performed under this Act;

(b) anything that may be prescribed under this Act;

(c) the manner in which property administered by the Public Curator or any other administrator, is to be offered for sale or any other form of transfer; and

(d) in general, for securing the better carrying out of any of the provisions of this Act.

Passed by the House of Representatives at Sitting No. 42 of the 30th August, 1982.

DANIEL MICALLES
Speaker

C. MIFSUD
Clerk to the House of Representatives