

Nru. 27

29. 4. 88

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Guido de Marco, M.P., Viċi Prim Ministru u Ministru ta' l-Intern u tal-Ġustizzja u moqri għall-Ewwel darba fis-Seduta tat-23 ta' Frar, 1988.

A BILL introduced by the Honourable Guido de Marco, M.P., Deputy Prime Minister and Minister for Internal Affairs and Justice and read the First time at the Sitting of the 23rd February, 1988.

ATT biex ikompli jemenda l-Att dwar il-Professjoni Nutarili u Arkivji Nutarili, Kap. 55.

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

P. MUSCAT TERRIBILE
Agent Skrivani tal-Kamra tad-Deputati

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Acting Clerk to the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT biex ikompli jemenda l-Att dwar il-Professjoni Nutarili u Arkivji Nutarili, Kap. 55.

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-1988 li jemenda l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, u għandu jinqara u jftiehem haġa waħda ma' l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, hawnhekk iżjed 'il-quddiem imsejjah "l-Att prinċipali".

Titolu
fil-qosor u
bidu fis-sehh.

(2) Id-dispożizzjonijiet ta' dan l-Att, hlief għall-artikolu 1, għandhom jibdew isehħu kif ġej:

(a) id-dispożizzjonijiet ta' l-artikoli 2, 3, 4, 5 u 6 għandhom jitqiesu li bdew isehħu fl-1 ta' Ottubru, 1987; u

(b) id-dispożizzjonijiet ta' l-artikoli 7, 8, 9 u 10 għandhom jibdew isehħu f'dik id-data li l-Ministru responsabbli għall-ġustizzja jista' jstabilixxi b'ordni fil-Gazzetta .

2. L-artikolu 14 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

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

(a) fil-paragrafu (a) tas-subartikolu (1) tiegħu minflok il-kliem "Nutar Pubbliku fid-Dipartiment ta' l-Artijiet" għandhom jidhlu l-kliem "Nutar Pubbliku fid-Dipartiment ta' l-Artijiet jew Nutar Pubbliku ma' l-Awtorità tad-Djar"; u

(b) fis-subartikolu (3) tiegħu, minflok il-kliem "Nutar Pubbliku fid-Dipartiment ta' l-Artijiet" għandhom jidhlu l-kliem "Nutar Pubbliku fid-Dipartiment ta' l-Artijiet jew ta' Nutar Pubbliku ma' l-Awtorità tad-Djar".

Emenda ta' l-artikolu 18 ta' l-Att principali.

3. Minflok il-proviso għall-artikolu 18 ta' l-Att principali għandu jidhol dan li ġej:

“Iżda —

(a) il-Konservatur *ex officio* ta' l-attijiet u registri ta' dawk li kienu Nutari fid-Dipartiment ta' l-Artijiet ikun in-Nutar Pubbliku fid-Dipartiment ta' l-Artijiet jew wiehed min-Nutari Pubbliċi fid-Dipartiment ta' l-Artijiet nominat mill-Ministru responsabbli għall-gustizzja, u meta l-kariga ta' Nutar Pubbliku fid-Dipartiment ta' l-Artijiet tkun vakanti, il-Konservatur ta' l-Arkivju ta' Malta jkun *ex officio* il-Konservatur ta' l-attijiet u registri ta' dawk li kienu Nutari fid-Dipartiment ta' l-Artijiet; u

(b) il-Konservatur *ex officio* ta' l-attijiet u registri ta' dawk li kienu Nutari ma' l-Awtorità tad-Djar ikun in-Nutar Pubbliku ma' l-Awtorità tad-Djar, u meta l-kariga ta' Nutar Pubbliku ma' l-Awtorità tad-Djar tkun vakanti, il-Konservatur ta' l-Arkivji ta' Malta jkun *ex officio* il-Konservatur ta' l-attijiet u registri ta' dawk li kienu Nutari ma' l-Awtorità tad-Djar.”.

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

4. L-artikolu 22 ta' l-Att principali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, wara l-kliem “fid-Dipartiment ta' l-Artijiet” għandhom jidiedu l-kliem “u Nutar Pubbliku ma' l-Awtorità tad-Djar.”;

(b) fis-subartikolu (2) tiegħu, minflok il-kliem “in-Nutari tal-Gvern u n-Nutari Pubbliċi fid-Dipartiment ta' l-Artijiet” għandhom jidhlu l-kliem “in-Nutari tal-Gvern, in-Nutari Pubbliċi fid-Dipartiment ta' l-Artijiet u n-Nutar Pubbliku ma' l-Awtorità tad-Djar”;

(ċ) fis-subartikolu (3) tiegħu, minflok il-kliem “tan-Nutar tal-Gvern għall-Gzejjer ta' Ghawdex u Kemmuna u ta' Nutar Pubbliku fid-Dipartiment ta' l-Artijiet” għandhom jidhlu l-kliem “tan-Nutar tal-Gvern għall-Gzejjer ta' Ghawdex u Kemmuna, ta' Nutar Pubbliku fid-Dipartiment ta' l-Artijiet u ta' Nutar Pubbliku ma' l-Awtorità tad-Djar”;

(d) fis-subartikolu (5) tiegħu, minflok il-kliem “u fil-każ ta' assenza jew impediment iehor legittimu ta' Nutar Pubbliku fid-Dipartiment ta' l-Artijiet, il-Prim Ministru jista' jiddelega wiehed min-Nutari tal-Gvern, jew jinnomina nutar iehor, biex jaqdi d-dmirijiet ta' l-imsemmi Nutar Pubbliku.” għandhom jidhlu l-kliem “u fil-każ ta' assenza jew impediment iehor legittimu ta' Nutar Pubbliku fid-Dipartiment ta' l-Artijiet jew ta' Nutar Pubbliku ma' l-Awtorità tad-Djar, il-Prim Ministru jista' jiddelega wiehed min-Nutari tal-Gvern, jew jinnomina nutar iehor, biex jaqdi d-dmirijiet tan-Nutar Pubbliku fid-Dipartiment ta' l-Artijiet jew tan-Nutar Pubbliku ma' l-Awtorità tad-Djar, skond kif ikun jehtieg il-każ.”.

5. Minnufih wara s-subartikolu (2) ta' l-artikolu 23 ta' l-Att prinċipali, għandu jidhol dan is-subartikolu ġdid li ġej:

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

“(3) In-Nutar Pubbliku ma' l-Awtorità tad-Djar għandu jirċievi minn dik l-Awtorità salarju fiss u għandu jiġbor għan-nom ta' dik l-Awtorità id-drittijiet dovuti skond l-artikolu 81.”.

6. Fl-artikolu 24 ta' l-Att prinċipali, minflok il-kliem “Nutar Pubbliku fid-Dipartiment ta' l-Artijiet.” għandhom jidhlu l-kliem “Nutar Pubbliku fid-Dipartiment ta' l-Artijiet jew għan-Nutar Pubbliku ma' l-Awtorità tad-Djar.”.

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

7. L-artikolu 53 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 53 ta' l-Att prinċipali.

(a) minflok il-kliem “Konservatur ta' l-Arkivji f'Malta” fis-subartikoli (1) u (2) tiegħu, għandhom jidhlu l-kliem “Konservatur ta' l-Arkivji f'Għawdex”;

(b) is-subartikolu (3) tiegħu għandu jithassar; u

(ċ) is-subartikoli (4) u (5) tiegħu għandhom jiġu rispettivament enumerati mill-ġdid bhala subartikoli (3) u (4).

8. L-artikolu 54 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 54 ta' l-Att prinċipali.

(a) fis-subartikolu (1) tiegħu:

(i) minflok il-kliem “fil-paragrafi (a), (b), (ċ), (f), (g), (h) u (i)” għandhom jidhlu l-kliem “fil-paragrafi (a), (b), (ċ), (e), (f), (g), (h), (i), (j) u (k); u

(ii) minflok il-kliem “lill-Konservatur ta' l-Arkivji f'Għawdex” għandhom jidhlu l-kliem “lill-Konservatur ta' l-Arkivji f'Malta”; u

(b) fis-subartikolu (2) tiegħu minflok il-kliem “tas-subartikoli (2), (3), (4) u (5)” għandhom jidhlu l-kliem “subartikoli (2), (3) u (4)”.

9. Minnufih wara s-subartikolu (5) ta' l-artikolu 74 ta' l-Att prinċipali għandu jidded dan is-subartikolu li ġej:

Emenda ta' l-artikolu 74 ta' l-Att prinċipali.

“(6) Id-dispożizzjonijiet tas-subartikolu (4) u tas-subparagrafu (ii) tal-paragrafu (a) u tal-paragrafu (b) tas-subartikolu (5) ta' dan l-artikolu ma jgħoddux meta jkun laħqu għaddew mitt sena minn meta jkun sar it-testment.”.

Emenda ta'
l-artikolu 131
ta' l-Att
prinċipali.

10. Fis-subartikolu (1) ta' l-artikolu 131 ta' l-Att prinċipali minnufih wara n-numru "60," għandu jidhol in-numru "62,".

Għanijiet u Raġunijiet

L-Abbozz jipprovdi għall-hatra u għall-funzjonijiet ta' Nutar Pubbliku ma' l-Awtorità tad-Djar u għal xi emendi żgħar fil-proċeduri nutarili.

**A BILL
entitled**

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

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. (1) This Act may cited as the Notarial Profession and Notarial Archives (Amendment) Act, 1988, and shall be read and construed as one with the Notarial Profession and Notarial Archives Act, hereinafter referred to as “the principal Act”. Short title and commencement.

(2) The provisions of this Act, other than section 1, shall come into force as follows:

(a) the provisions of sections 2, 3, 4, 5 and 6 shall be deemed to have come into force on 1st October, 1987; and

(b) the provisions of sections 7, 8, 9 and 10 shall come into force on such date as the Minister responsible for justice may by order in the Gazette appoint.

2. Section 14 of the principal Act shall be amended as follows:

Amendment of section 14 of the principal Act.

(a) in paragraph (a) of subsection (1) for the words “Notary Public in the Land Department” there shall be substituted the words “Notary Public in the Land Department or Notary Public with the Housing Authority”; and

(b) in subsection (3) thereof, for the words “Notary Public in the Land Department” there shall be substituted the words “Notary Public in the Land Department or Notary Public with the Housing Authority”.

Amendment of section 18 of the principal Act.

3. For the proviso to section 18 of the principal Act there shall be substituted the following:

“Provided that —

(a) the *ex officio* keeper of the deeds and registers of former Notaries in the Land Department shall be the Notary Public in the Land Department or one of the Notaries Public in the Land Department designated by the Minister responsible for justice, and where the office of Notary Public in the Land Department is vacant, the Keeper of the Malta Archives shall *ex officio* be the keeper of the deeds and registers of former Notaries in the Land Department; and

(b) the *ex officio* keeper of the deeds and registers of former Notaries with the Housing Authority shall be the Notary Public with the Housing Authority, and where the office of Notary Public with the Housing Authority is vacant, the Keeper of the Malta Archives shall *ex officio* be the keeper of the deeds and registers of former Notaries with the Housing Authority.

Amendment of section 22 of the principal Act.

4. Section 22 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof, after the words “in the Land Department” there shall be added the words “and one Notary Public with the Housing Authority.”;

(b) in subsection (2) thereof, for the words “Notaries to Government and Notaries Public in the Land Department” there shall be substituted the words “Notaries to Government, Notaries Public in the Land Department and the Notary Public with the Housing Authority”;

(c) in subsection (3) thereof, for the words “Notary to Government for the Islands of Gozo and Comino and Notary Public in the Land Department” there shall be substituted the words “Notary to Government for the Islands of Gozo and Comino, Notary Public in the Land Department and Notary Public with the Housing Authority”; and

(d) in subsection (5) thereof, for the words “and in the case of absence or other lawful impediment of a Notary Public in the Land Department, the Prime Minister may delegate one of the Notaries to Government, or appoint another Notary to discharge the duties of the said Notary Public.” there shall be substituted the words “and in the case of absence or other lawful impediment of a Notary Public in the Land Department or a Notary Public with the Housing Authority, the Prime Minister may delegate one of the Notaries to Government, or appoint another Notary, to discharge the duties of the Notary Public in the Land Department or of the Notary Public with the Housing Authority, as the case may require.”.

5. Immediately after subsection (2) of section 23 of the principal Act, there shall be added the following new subsection: Amendment of section 23 of the principal Act.

“(3) The Notary Public with the Housing Authority shall receive from that Authority a fixed salary and shall collect on behalf of that Authority the fees due in terms of section 81.”.

6. In section 24 of the principal Act, for the words “Notary Public in the Land Department.” there shall be substituted the words “Notary Public in the Land Department or a Notary Public with the Housing Authority.”. Amendment of section 24 of the principal Act.

7. Section 53 of the principal Act shall be amended as follows: Amendment of section 53 of the principal Act.

(a) for the words “Keeper of the Archives in Malta” in subsections (1) and (2) thereof, there shall be substituted the words “Keeper of the Archives in Gozo”;

(b) subsection (3) thereof shall be deleted; and

(c) subsections (4) and (5) thereof shall be renumbered respectively as subsections (3) and (4).

8. Section 54 of the principal Act shall be amended as follows: Amendment of section 54 of the principal Act.

(a) in subsection (1) thereof:

(i) for the words “paragraphs (a), (b), (c), (f), (g), (h) and (i)” there shall be substituted the words “paragraphs (a), (b), (c), (e), (f), (g), (h), (i), (j) and (k)”;

(ii) for the words “Keeper of the Archives in Gozo” there shall be substituted the words “Keeper of the Archives in Malta”;

(b) in subsection (2) thereof for the words “subsections (2), (3), (4) and (5)” there shall be substituted the words “subsections (2), (3) and (4)”.

9. Immediately after subsection (5) of section 74 of the principal Act there shall be added the following subsection: Amendment of section 74 of the principal Act.

“(6) The provisions of subsection (4) and of subparagraph (ii) of paragraph (a) and of paragraph (b) of subsection (5) of this section shall not apply where one hundred years have elapsed after the making of the will.”.

Amendment of
section 131 of the
principal Act.

10. In subsection (1) of section 131 of the principal Act immediately after the number "60," there shall be inserted the number "62,".

Objects and Reasons

The Bill provides for the appointment and functions of a Notary Public with the Housing Authority and for minor amendments to notarial procedure.