

**MALTA**

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**ATT Nru. VII ta' l-1985**

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

ATT biex ikompli jemenda l-Kodiċi Ċivili, Kap. 23.

**ACT No. VII of 1985**

AN ACT enacted by the Parliament of Malta.

AN ACT further to amend the Civil Code, Cap. 23.

Nagħti l-kunsens tiegħi.

**(L.S.)**

**AGATHA BARBARA**  
President

26 ta' April, 1985

**ATT Nru. VII ta' l-1985**

*ATT biex ikompli jemenda l-Kodiċi Ċivili, Kap. 23.*

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. Dan l-Att jista' jissejjaħ l-Att ta' l-1985 li jemenda l-Kodiċi Ċivili u għandu jinqara u jiftiehem haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem imsejjaħ "il-liġi prinċipali". Titolu fil-qosor.

2. L-artikolu 315 tal-liġi prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 315 tal-liġi prinċipali.
- (a) is-subartikolu (3) tiegħu għandu jithassar; u
- (b) is-subartikolu (2) tiegħu għandu jiġi emendat kif ġej:
- (i) id-dispożizzjoni preżenti għandha tiġi numerata mill-ġdid subartikolu (3); u
- (ii) minflok il-kliem "F'dan il-każ" għandhom jidhru l-kliem "F'kull każ imsejjaħ fis-subartikoli (1) u (2) ta' dan l-artikolu"; u
- (c) minnufih wara s-subartikolu (1) tiegħu għandu jidded is-subartikolu ġdid li ġej:

"(2) Fil-każ ta' tarbija illeġittima li ma jkunx ingħata l-avviż tat-twelid tagħha, u l-omm jew il-ġenituri tagħha jkunu mejta jew ma jistgħux jinstabu, avviż tat-twelid jista' f'kull żmien jingħata lill-imsejjaħ uffiċjal minn xi persuna li għand-

ha l-obbligu li tagħti dak l-avviż bħal qabel, jew minn kull persuna li jkollha nteress jew mit-tarbija jew mir-rappreżentant legittimu tagħha u l-imsemmi ufficjal għandu jagħmel rapport ta' dan lil wiehed mill-Vizitaturi ta' l-attijiet notarili li għandu jiehu hsieb li avviż skond il-Formula Ċ tat-Taqsima II ta' l-Iskeda li tinsab ma' dan il-Kodiċi jiġi pubbli- kat fil-Gazzetta, fejn isejjah lil kull parti li għandha nteress biex tiddikjara, fi żmien hmistax-il jum mill-pubblikazzjoni ta' dak l-avviż, bil-mezz ta' nota, li trid tikkontesta dik ir-regis- trazzjoni, u malli jgħaddi l-imsemmi żmien u wara li jisma' lil dik il-persuna taht ġurament illi huwa jidhirlu li tista' tagħti tagħrif tajjeb, sew jekk dik il-persuna tkun ipprezentat nota u sew jekk le, u wara li jeżamina kull dokumenti li jistgħu jinġiebu bi prova, għandu, jekk ikun sodisfatt li l-maternità tat-tarbija tkun giet stabbilita, jordna li isem u kunjom l-omm, flimkien ma' daww il-partikolaritajiet li huma meħtieġa taht id-dispożizzjonijiet ta' l-artikoli ta' qabel dan, jitnizzlu fl-att tat-twelid, u illi x-xieħda meħuda jiġu kkunsinnati, fl-original tagħhom lid-Direttur, flimkien ma' l-att.”.

Emenda ta' l-  
artikolu 2120  
tal-liġi  
prinċipali

3. L-artikolu 2120 tal-liġi prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu minnufih wara l-kliem “dwar l-ipoteka ġenerali” għandhom jidhlu l-kliem “u fil-każ ta' debituri li jirriżultaw minn att pubbliku bil-mezz ta' nota iffirmata minn xi nutar pubbliku”; u

(b) minnufih wara s-subartikolu (2) tiegħu għandu jizdied is-subartikolu ġdid li ġej:

“(3) Meta l-immobbli tad-debitur li dwarha tkun regis- trata l-ipoteka speċjali msemmija fis-subartikolu (1) ta' dan l-artikolu tkun sitwata f'area dikjarata bħala area ta' regis- trazzjoni ta' artijiet skond l-Att ta' l-1981 dwar ir-Registrazz- joni ta' Artijiet, jew xort'ohra tkun registrata skond id-dispo- żizzjonijiet ta' dak l-Att, il-jedd mogħti bis-subartikolu (1) ta' dan l-artikolu jkun eżerċitabbli bir-registrazzjoni skond dak l-Att, ta' ipoteka jew ipoteka kawzjonali, skond fl-każ.”.

Att XXXV  
ta' l-1981

Emenda tat-  
Taqsimi II ta'  
l-Iskeda li tinsab  
mal-liġi  
prinċipali.

4. Minnufih wara l-Formula B tat-Taqsima II ta' l-Iskeda li tinsab mal-liġi prinċipali għandha tiżdied il-Formula Ċ ġdida li ġejja:

## “FORMULA Ċ

(Artikolu 315)

Registru tal-Qorti tar-Revizjoni ta'  
Atti Notarili

..... 19.....

Billi AB ta avviż tat-twelid tiegħu/ta' CD, tarbija li ommha u n-nanniet min-naħa ta' ommha huma mejta/ma jistgħux jinstabu, fejn qed jgħid li hu/l-imsemmi CD twieled fid-data ta' ..... fi ..... u li ommu hi ..... bint ..... imwielda ..... fi .....

Kull min għandu nteress li jipponi għal dik ir-registrazzjoni, qed jiġi b'dan imsejjaħ, bil-mezz ta' nota ipprezentata fir-Registru fuq imsemmi fi żmien f'mistax-il jum mid-data tal-pubblikazzjoni ta' dan l-avviż.

Kull min ikun ipprezenta dik in-nota fl-imsemmi żmien, ikun notifikat bil-jum maħtur għas-smiġħ mill-Viżitatur hawn taht iffirmit li għandu jisma' bil-ġurament kull persuna li jkollha t-tagħrif fuq il-kwistjoni.

B'ordni tal-Qorti

E.F.

Viżitatur ta' l-Attijiet Notarili”.

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Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 245 tat-22 ta' April, 1985

DANIEL MICALLEF  
*Speaker*

C. MIFSUD  
*Skrivan tal-Kamra tad-Deputati*

I assent.

(L.S.)

AGATHA BARBARA  
President

26th April, 1985

### ACT No. VII of 1985

*AN ACT further to amend the Civil Code, Cap. 23.*

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.

1. This Act may be cited as the Civil Code (Amendment) Act, 1985, and shall be read and construed as one with the Civil Code, hereinafter referred to as “the principal law”.

Amendment of section 315 of the principal law.

2. Section 315 of the principal law shall be amended as follows:

(a) subsection (3) thereof shall be deleted;

(b) subsection (2) thereof shall be amended as follows:

(i) the present provision shall be renumbered subsection (3); and

(ii) for the words “In any such case” there shall be substituted the words “In any case referred to in subsections (1) and (2) of this section”; and

(c) immediately after subsection (1) thereof there shall be added the following new subsection:

“(2) In the case of an illegitimate child notice of whose birth has not been given, and the mother and her parents are dead or cannot be found, notice of the birth may at any time be given to the said officer by any person bound to give such

notice as heretofore, or by any person having an interest or by the child or its lawful representative and the said officer shall make a report thereon to one of the Visitors of notarial acts who shall cause a notice in the Form C in Part II of the Schedule to this Code to be published in the Gazette, calling upon any party interested to declare, within fifteen days from the publication of that notice, by means of a note, that he desires to contest such registration, and on the expiration of such period and after examining on oath any person whom he believes to be able to give correct information, whether such person shall have filed a note or otherwise, and following the examination of any documentary evidence that may be produced, shall, if satisfied that the maternity of the child has been established, order that the name and surname of the mother, together with such other particulars as are required under the provisions of the foregoing sections, be entered in the act of birth, and that the depositions taken be delivered, in original, to the Director together with the act.”.

3. Section 2120 of the principal law shall be amended as follows: Amendment of section 2120 of the principal law.
- (a) in subsection (2) thereof immediately after the words “in respect of the general hypothec” there shall be inserted the words “and in the case of debtors resulting from a public deed by means of a note signed by any notary public”; and

(b) immediately after subsection (2) thereof there shall be added the following new subsection:

“(3) Where the immovable property of the debtor over which is to be registered the special hypothec referred to in subsection (1) of this section is situated in an area declared to be a land registration area in accordance with the Land Registration Act, 1981, or is otherwise registered in accordance with the provisions of that Act, the right conferred by subsection (1) of this section shall be exercisable by the registration in accordance with that Act, of a charge or a cautionary charge as the case may be.”.

Act XXXV  
of 1981

4. Immediately after Form B of Part II of the Schedule to the principal law there shall be added the following new Form C: Amendment of part II of the Schedule to the principal law.

“FORM C

(Section 315)

Registry of the Court of Revision of  
Notarial Acts

.....: 19.....

Whereas AB has given notice of his birth/the birth of CD,  
a child whose mother and maternal grandparents are  
dead/cannot be found, claiming that he/the said CD was born on  
..... at ..... and that his  
mother is ..... a daughter of .....  
born at ..... on .....

Whoever may have an interest to oppose such registration, is  
hereby called upon to do so, by means of a note filed in the above-  
mentioned Registry within fifteen days from the date of publica-  
tion of this notice.

Anybody who within the aforesaid time shall have filed such  
note, shall be notified of the day appointed for hearing by the  
undersigned Visitor who shall hear on oath every person in posses-  
sion of information on the matter.

By order of the Court  
E.F.  
Visitor of Notarial Acts”.



Passed by the House of Representatives at Sitting No. 245 of the 22nd April, 1985.

DANIEL MICALLEF  
*Speaker*

C. MIFSUD  
*Clerk to the House of Representatives*