

Nru. 46

1. 11. 77

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Joseph Cassar, M.P., Ministru tal-Gustizzja, Artijiet, Djar u Affarijiet tal-Parlament, u moqri għall-Ewwel darba fis-Seduta tat-3 ta' Ottubru, 1977.

A BILL introduced by the Honourable Joseph Cassar, M.P., Minister of Justice, Lands, Housing and Parliamentary Affairs, and read the First time at the Sitting of the 3rd October, 1977.

ATT biex ikompli jemenda l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, Kap. 92.

AN ACT further to amend the Notarial Profession and Notarial Archives Act, Cap. 92.

C. MIFSUD

Skrivan tal-Kamra tad-Deputati

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Clerk to the House of Representatives

ABBOZZ TA' LIĠI

msejjah

ATT biex ikompli jemenda l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, Kap. 92.

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:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjah l-Att ta' l-1977 li jemenda l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, u għandu jinqara u jiftieh hemm waħda ma' l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Emenda ta' l-artikolu 6 ta' l-Att prinċipali.

2. L-artikolu 6 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-paragrafu (e) tiegħu għandu jidhol dan li ġej:

"(e) li jkun, wara l-31 ta' Diċembru ta' l-aħħar sena akkademika ta' l-imsemmi kors, attenda regolarment fl-uffiċċju ta' nutar fil-prattika għal żmien ta' mhux inqas minn sena;" u

(b) fil-paragrafu (f) tiegħu, minflok il-kliem "wara li jkun spiċċa l-prattika nutarili" għandhom jidhru l-kliem "wara li jkun issodisfa l-htigiet tal-paragrafu (e) ta' dan l-artikolu".

Emenda ta' l-artikolu 11 ta' l-Att prinċipali.

3. L-artikolu 11 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok is-subartikolu (2) tiegħu għandu jidhol dan li ġej:

"(2) Iżda n-nutar jista' jiċhad li jagħti s-servizzi tiegħu jekk —

(a) il-partijiet jonqsu milli jiddepożitaw għandu l-ammont tat-taxxi, drittijiet u spejjeż dwar l-att, jew

(b) jekk is-servizzi tiegħu jkunu meħtieġa fi btala pubblika jew bejn id-9.00 p.m. ta' jum u d-9.00 a.m. tal-jum ta' wara." u

(b) minflok is-subartikolu (3) tiegħu għandu jidhol dan li ġej:

“(3) Id-disposizzjonijiet tas-subartikolu (2) ma japplikawx fil-każ ta’ testment u d-disposizzjoni tal-paragrafu (b) ta’ l-istess subartikolu ma japplikawx fil-każ ta’ testimonjal (protest marittimu) jew meta s-servizzi tan-nutar ikunu meħtieġa urġenti u ma jkunux jistgħu jistennew.”.

4. Fis-subartikolu (3) ta’ l-artikolu 14 ta’ l-Att prinċipali, minflok il-kliem “li fihom ikun parti l-Gvern Ċivili ta’ dawn il-Gżejjer” għandhom jidhlu l-kliem “li fihom ikun parti l-Gvern jew xi korp magħqud imwaqqaf b’liġi”.

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

5. Fis-subartikolu (3) ta’ l-artikolu 22 ta’ l-Att prinċipali, minflok il-kliem “li fihom l-Gvern ta’ Malta jkun parti” għandhom jidhlu l-kliem “li fihom ikun parti l-Gvern ta’ Malta jew xi korp magħqud imwaqqaf b’liġi”.

Emenda ta’
l-artikolu 22 ta’
l-Att prinċipali.

6. Fis-subartikolu (2) ta’ l-artikolu 23 ta’ l-Att prinċipali, il-kliem “mill-privat” għandhom jithassru.

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

7. Fis-subartikolu (3) ta’ l-artikolu 57 ta’ l-Att prinċipali, minflok il-kliem “ta’ aktar minn għaxar kelmiet” għandhom jidhlu l-kliem “ta’ aktar minn għoxrin kelma”.

Emenda ta’
l-artikolu 57 ta’
l-Att prinċipali.

8. Fis-subartikolu (1) ta’ l-artikolu 68 ta’ l-Att prinċipali, minflok il-kliem “tal-pussessuri legittimi ta’ l-attijiet tiegħu” għandhom jidhlu l-kliem “tal-pussessuri legittimi tar-registri tiegħu”.

Emenda ta’
l-artikolu 68 ta’
l-Att prinċipali.

9. L-artikolu 69 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:
(a) minflok is-subartikolu (1) tiegħu għandu jidhol dan li ġej:

Emenda ta’
l-artikolu 69 ta’
l-Att prinċipali.

“(1) Kull nutar hu s-sid tar-registri ta’ l-attijiet li jirċievi u ta’ l-indiċijiet rispettivi tagħhom. Hu jkun responsabbli għall-ħarsien ta’ l-attijiet oriġinali riċevuti minnu sakemm dawn jiġu depożitati skond id-disposizzjonijiet l-oħra ta’ dan l-Att.”, u

(b) fis-subartikolu (2) tiegħu, minflok il-kelma “minnhom” għandhom jidhlu l-kliem “mill-imsemmija registri u l-indiċijiet rispettivi tagħhom”.

10. Fis-subartikolu (1) ta’ l-artikolu 70 ta’ l-Att prinċipali, minflok il-kliem “l-attijiet u registri tiegħu” għandhom jidhlu l-kliem “ir-registri tiegħu u l-indiċi rispettivi tagħhom”.

Emenda ta’
l-artikolu 70 ta’
l-Att prinċipali.

11. Fis-subartikolu (1) ta’ l-artikolu 72 ta’ l-Att prinċipali, minflok il-kliem “In-nutar” għandhom jidhlu l-kliem “Bla ħsara għad-disposizzjonijiet tat-Taqsima V ta’ dan l-Att, in-nutar”.

Emenda ta’
l-artikolu 72 ta’
l-Att prinċipali.

12. L-artikolu 94 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta’
l-artikolu 94 ta’
l-Att prinċipali.

(a) minflok il-kliem minn “Meta l-Konservatur” sa “d-dmirijiet ta’ dik il-kariga” għandhom jidhlu l-kliem “Fin-nuqqas jew impediment legittimu ieħor tal-Konservatur jew ta’ l-Arkiivist, id-dmirijiet tiegħu jiġu moqdiya minn dak l-uffiċjal li jista’ jiġi msemmi mill-Ministru responsabbli għall-Gustizzja jew skond arrangamenti li jsiru mill-imsemmi Ministru.”, u

(b) fis-subartikolu (2) tiegħu, il-kliem "għall-Gzejjer ta' Għawdex u Kemmuna" għandhom jithassru.

Emenda ta' l-artikolu 103 ta' l-Att prinċipali.

13. Fis-subartikolu (1) ta' l-artikolu 103 ta' l-Att prinċipali min-flok il-kliem "ta' l-imsemmi Att" għandhom jidhlu l-kliem "tar-registru relattiv".

Emenda ta' l-artikolu 110 ta' l-Att prinċipali.

14. Fl-artikolu 110 ta' l-Att prinċipali, minflok il-kliem "meta s-sid ta' dawk l-attijiet u registri" għandhom jidhlu l-kliem "meta s-sid ta' dawk ir-registri".

Rizerva.

15. L-emendi ta' l-Att prinċipali magħmula bl-artikolu 2 ta' dan l-Att ma japplikawx għal persuni li, qabel il-bidu fis-sehħ ta' dan l-Att, ikunu issodisfaw il-htigiet tal-paragrafu (d) ta' l-artikolu 6 ta' l-Att prinċipali.

Għanijiet u Raġunijiet

L-Għan ewlieni ta' dan l-Abbozz huwa li jemenda l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili sabiex tingħata s-setgħa lin-nutara tal-Gvern u lin-nutar fid-Dipartiment ta' l-Artijiet li jirċievu attijiet li fihom ikun parti korp magħqud imwaqqaf b'ligi.

L-Abbozz ukoll jemenda d-disposizzjoni dwar it-taħriġ meħtieġ qabel ma jin-għata l-warrant għall-prattika bħala nutar pubbliku.

Emenda oħra li tinsab fl-Abbozz tolqot is-servizzi obligatorji li għandhom jin-għataw minn nutar pubbliku.

Fl-aħħarnett, l-Abbozz fih xi emendi oħra ta' anqas importanza.

A BILL
entitled

AN ACT further to amend the Notarial Profession and Notarial Archives Act, Cap. 92.

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 Notarial Profession and Notarial Archives (Amendment) Act, 1977, 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.

2. Section 6 of the principal Act shall be amended as follows: Amendment of section 6 of the principal Act.
 - (a) for paragraph (e) thereof there shall be substituted the following:

“(e) he has, after the 31st day of December of the last academic year of the said course, regularly attended at the office of a practising notary for a period of not less than one year;”, and
 - (b) in paragraph (f) thereof, for the words “after completing his notarial apprenticeship” there shall be substituted the words “held after he has satisfied the requirements of paragraph (e) of this section”.

3. Section 11 of the principal Act shall be amended as follows: Amendment of section 11 of the principal Act.
 - (a) for subsection (2) thereof there shall be substituted the following:

“(2) The notary may, however, refuse his services if —

 - (a) the parties fail to deposit with him the amount of the duties, fees and expenses due in respect of the deed, or
 - (b) if his services are required on a public holiday or between 9.00 p.m. of one day and 9.00 a.m. of the following day.”, and

(b) for subsection (3) thereof there shall be substituted the following:

“(3) The provisions of subsection (2) shall not apply in the case of a will and the provision of paragraph (b) of the same subsection shall not apply in the case of a sea protest or where the services of the notary are urgently required and cannot admit of delay.”.

Amendment of section 14 of the principal Act.

4. In subsection (3) of section 14 of the principal Act, for the words “to which the Civil Government of these Islands is a party” there shall be substituted the words “to which the Government or any corporate body established by law is a party”.

Amendment of section 22 of the principal Act.

5. In subsection (3) of section 22 of the principal Act, for the words “to which the Government of Malta is a party” there shall be substituted the words “to which the Government or any corporate body established by law is a party”.

Amendment of section 23 of the principal Act.

6. In subsection (2) of section 23 of the principal Act, the words “by private parties” shall be deleted.

Amendment of section 57 of the principal Act.

7. In subsection (3) of section 57 of the principal Act, for the words “of more than ten words” there shall be substituted the words “of more than twenty words”.

Amendment of section 68 of the principal Act.

8. In subsection (1) of section 68 of the principal Act, for the words “of the lawful owners of his act” there shall be substituted the words “of the lawful owners of his registers”.

Amendment of section 69 of the principal Act.

9. Section 69 of the principal Act shall be amended as follows:
(a) for subsection (1) thereof there shall be substituted the following:

“(1) Every notary is the owner of the registers of the acts received by him and of their respective indexes. He shall be responsible for the safekeeping of the original acts received by him until these are deposited in terms of the other provisions of this Act.”, and

(b) in subsection (2) thereof, for the words “of them” there shall be substituted the words “of the said registers and respective indexes”.

Amendment of section 70 of the principal Act.

10. In subsection (1) of section 70 of the principal Act, for the words “his acts and registers” there shall be substituted the words “his registers and respective indexes”.

Amendment of section 72 of the principal Act.

11. In subsection (1) of section 72 of the principal Act, for the words “The notary alone” there shall be substituted the words “Saving the provisions of Part V of this Act, the notary alone”.

Amendment of section 94 of the principal Act.

12. Section 94 of the principal Act shall be amended as follows:

(a) for the words from “In case of absence” to “the duties of that office” there shall be substituted the words “In the case of absence or other lawful impediment of the Keeper or Archivist, his duties shall be carried out by such officer as may be designated by the Minister responsible for Justice or in accordance with arrangements made by the said Minister.”, and

(b) in subsection (2) thereof, the words "for the Islands of Gozo and Comino" shall be deleted.

13. In subsection (1) of section 103 of the principal Act, for the words "of the said Act" there shall be substituted the words "of the relative register". Amendment of section 103 of the principal Act.

14. In section 110 of the principal Act, for the words "when the owner of such acts and registers" there shall be substituted the words "when the owner of such registers". Amendment of section 110 of the principal Act.

15. The amendments to the principal Act made by section 2 of this Act shall not apply to persons who, prior to the commencement of this Act, have satisfied the requirements of paragraph (d) of section 6 of the principal Act. Saving.

Objects and Reasons

The main Object of this Bill is to amend the Notarial Profession and Notarial Archives Act so as to empower notaries to Government and notaries in the Land Department to receive deeds to which a body corporate established by law is a party.

The Bill also amends the provision regarding the training required before a warrant to practise as notary public is granted.

A further amendment contained in the Bill regards the compulsory services to be given by notaries public.

Finally, the Bill contains some other amendments of less importance.