



MALTA

ATT Nru. XXXIV ta' l-1979

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

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

ACT No. XXXIV of 1979

AN ACT enacted by the Parliament of Malta.

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



Nagħti l-kunsens tiegħi.

Adam Bulligeej

President

23 ta' Novembru, 1979

ATT Nru. XX XIV ta' l-1979

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, ħareġ b'liġi dan li ġej:—

Titolu fil-qosor
u bidu fis-sehh.

1. (1) Dan l-Att jista' jissejjaħ l-Att ta' l-1979 li jemenda l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, u għandu jinqara u jif-tiehem ħaġa waħda ma' l-Att dwar il-Professjoni Nutarili u l-Arkivji Nutarili, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

(2) Dan l-Att għandu jkollu effett mill-1 ta' Jannar, 1980.

Emenda ta'
l-artikolu 4
ta' l-Att
prinċipali.

2. Minnufih wara l-paragrafu (b) ta' l-artikolu 4 ta' l-Att prinċipali għandu jżied il-paragrafu ġdid li ġej:

"(ċ) l-ismijiet tal-Vizitaturi maħtura taħt l-artikolu 111 li jkunu fil-kariga fid-data tan-notifikazzjoni."

Emenda ta'
l-artikolu 7
ta' l-Att
prinċipali.

3. Fis-subartikolu (2) ta' l-artikolu 7 ta' l-Att prinċipali, minflok il-kliem "In-nutar li miegħu l-kandidat ikun għamel il-prattika" għandhom jidhlu l-kliem "In-nutar li fl-uffiċċju tiegħu il-kandidat ikun isso-disfa l-htigiet tal-paragrafu (e) ta' l-artikolu 6 ta' dan l-Att".

Emenda ta'
l-artikolu 10
ta' l-Att
prinċipali.

4. Il-paragrafu (b) ta' l-artikolu 10 ta' l-Att prinċipali għandu jkollu effett u għandu jitqies li dejjem kellu effett kif ġej:

"(b) jikteb f'registru miżmum għaldaqshekk fl-Uffiċċju ta' l-Avukat Generali l-firma tiegħu kif iktar 'il quddiem ikun se жузaha biex jiffirma l-attijiet;"

Emenda ta'
l-artikolu 19
ta' l-Att
prinċipali.

5. Fl-artikolu 19 ta' l-Att prinċipali, minflok il-kliem "taħtar, bħala konservaturi, fuq rikors tal-pussessuri legittimi, dawk il-persuni li jiġu msemmija minn dawk il-pussessuri u li jkunu ddikjaraw li jaċċet-taw" għandhom jidhlu l-kliem "taħtar, bħala konservaturi, fuq rikors

tal-pussessuri legittimi jew ta' l-Avukat Ġenerali *ex officio*, dak in-nutar li jiġi msemmi minn dawk il-pussessuri jew mill-Avukat Ġenerali u li jkun iddikjara li jaċċetta”.

6. L-artikolu 25 ta' l-Att prinċipali għandu jiġi emendat kif ġej:
(a) minflok is-subartikolu (1) tiegħu għandu jidhol dan li ġej:

Emenda ta' l-artikolu 25 ta' l-Att prinċipali.

“(1) In-nutar ma jista' jirċievi ebda att nutarili jekk mhux quddiem il-partijiet.”; u

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

“(2) Il-preżenza ta' żewġ xhieda ma tkunx meħtieġa hlief fil-każijiet li ġejjin:

- (a) kull meta l-partijiet hekk jitolbu;
(b) kull meta xi waħda mill-partijiet ma tkunx taf jew ma tkunx tista' tiffirma isimha;
(c) fil-każ ta' testmenti pubbliċi.”.

7. Minflok l-artikolu 26 ta' l-Att prinċipali għandu jidhol dan li ġej:

Sostituzzjoni ta' l-artikolu 26 ta' l-Att prinċipali.

“26. In-nutar għandu jiżgura ruħu personalment mill-identità tal-partijiet, jew meta dawk il-partijiet ma jidhrux personalment, mill-identità tal-mandatarju tagħhom. Din l-identità għandha tiġi żgurata bil-produzzjoni tal-karta ta' identità uffiċjali, tal-passaport jew ta' xi dokument uffiċjali ieħor, jew meta dokument bħal dan ma jistax jiġi prodott, bix-xhieda ta' żewġ *fidem facientes* magħrufa personalment min-Nutar, u dawn jistgħu wkoll ikunu x-xhieda ta' l-att.”.

8. L-artikolu 28 ta' l-Att prinċipali għandu jiġi emendat kif ġej:
(a) minflok il-paragrafu (d) tas-subartikolu (1) tiegħu għandu jidhol dan li ġej:

Emenda ta' l-artikolu 28 ta' l-Att prinċipali.

“(d) in-numru (li jista' jinkiteb bil-figuri biss) tad-dokument uffiċjali prodott sabiex tiġi żgurata l-identità tal-partijiet jew dikjarazzjoni li n-nutar żgura ruħu minn dik l-identità bil-mezz ta' *fidem facientes*.”.

(b) fis-sub-paragrafu (ii) tal-paragrafu (f) tas-subartikolu (1) tiegħu, minflok il-kliem “b'mod li l-identità tkun ċerta” għandhom jidhlu l-kliem “kif ukoll pjanta dettaljata tal-proprjeta, flimkien ma' *survey sheet* uffiċjali li turi l-qiegħda ta' l-imsemmija proprjeta b'mod li tkun stabbilita l-identità tagħha:

Iżda meta l-istess pjanta li tkun meħtieġa li tiġi annessa tkun diġà annessa ma' att pubbliku ieħor, riferenza għalihom tkun biżżejjed”;

(c) fil-paragrafu (g) tas-subartikolu (1) tiegħu, minflok il-kliem “fi żmien il-jumejn tax-xogħol li jiġu sewwa sew wara dak in-nhar li fih l-att ikun ingħalaq bil-firma tan-nutar li rċevih” għandhom jidhlu l-kliem “fiż-żmien preskritt bl-imsemmi artikolu 8”;

(d) fil-paragrafu (k) tas-subartikolu (1) tiegħu —

(i) minflok il-kliem “fil-postilli tal-ġenb u fid-dokumenti mdaħħlin ma' l-att” fis-sub-paragrafu (i) għandhom jidhlu l-kliem “fid-dokumenti mdaħħla ma' l-att u fil-lista”;

(ii) fit-tarf tas-sub-paragrafu (ii) għandhom jiżdiedu l-kliem “u n-Nutara fis-servizz tal-Gvern għandhom ukoll jid-dikjaraw dik il-kariga.”; u

(e) fil-paragrafu (1) tas-subartikolu (1) tiegħu, il-kliem “jekk ma jkun hemm ebda postilla ffirmata regularment” għandhom jiġhassru; u

(f) fis-subartikolu (2) tiegħu, minflok il-kliem “fil-postilli, fil-folji tan-nofs” għandhom jidhlu l-kliem “fil-folji tan-nofs”.

Emenda ta' l-artikolu 30 ta' l-Att prinċipali.

9. L-artikolu 30 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “b'linka li ma tmurx, b'karattru ċar u li jinqara faċilment” għandhom jidhlu l-kliem “dattilografati jew stampati b'karattri skuri, li jidhru sewwa, li jinqraw faċilment u li ma jmorrux”;

(b) fit-tarf tas-subartikolu (1) tiegħu għandu jiżdied il-paragrafu li ġej:

“Kull att oriġinali għandu jkollu żewġ margini, wieħed fuq in-naħa tal-lemin u l-ieħor fuq in-naħa tax-xellug. L-anno-tazzjonijiet u l-firem kollha rikjesti mil-liġi li jkunu magħmula fil-margini għandhom jiġu magħmula fuq dik in-naħa li taħbat in-naħa ta' barra.”;

(c) minflok is-subartikoli (2) u (3) tiegħu għandhom jidhlu s-subartikoli li ġejjin:

“Kif għandu jsir tibdil fl-Att.

(2) Jekk ikun meħtieġ li jitneħħew, jinbidlu jew jiżdiedu kliem qabel ma' l-att jiġi ffirmat mill-partijiet, mill-*fidem facientes*, mill-interpretu u mix-xhieda, in-nutar għandu jagħmel dik it-tneħħija, dak it-tibdil jew dik iż-żieda billi jagħmel marka bin-numru fil-post fejn dik it-tneħħija, dak it-tibdil jew dik iż-żieda tkun se ssir u nota fl-aħħar ta' l-att, iżda qabel il-firem ta' l-aħħar, hekk enumerata li tkun tikkorrispondi għall-marka relattiva; u f'kull każ bħal dan, in-nutar għandu jhassar il-kliem li għandhom jitneħħew jew jinbidlu, b'mod li jkunu jistgħu dejjem jinqraw, u n-nota fit-tarf ta' l-att għandha ssemmi n-numru tal-kliem hekk imħassra jew, skond il-każ, li kliem oħra ġew mibdula minflok dawk imħassra, u jniżżel, sewwa sew wara, il-kliem hekk mibdula.

(3) Fil-każ ta' żieda biss ta' kliem, in-nutar għandu jagħmel marka bin-numru fil-post fejn iż-żieda għandha ssir u nota fl-aħħar ta' l-att, iżda qabel il-firem ta' l-aħħar, enumerata hekk li jikkorrispondi għall-marka relattiva, u li jkun fiha l-kelmiet “kliem miżjuda”, u jniżżel, sewwa sew wara, il-kliem li għandhom jiżdiedu.”.

Emenda ta' l-artikolu 40 ta' l-Att prinċipali.

10. Fil-proviso għall-paragrafu (d) ta' l-artikolu 40 ta' l-Att prinċipali, minflok il-kliem “fil-postilli jew fid-dokumenti mdahħlin fl-att” għandhom jidhlu l-kliem “fid-dokumenti mdahħlin fl-att jew fil-lista”, u l-kliem “dawk il-postilli li ma jkunux iffirmati jitqiesu bħallikieku ma sarux u” għandhom jiġhassru.

Emenda ta' l-artikolu 46 ta' l-Att prinċipali.

11. Fis-subartikolu (2) ta' l-artikolu 46 ta' l-Att prinċipali, minflok il-kliem “In-nutar jista' jagħmel” għandhom jidhlu l-kliem “In-nutar għandu jagħmel”.

12. Minflok is-subartikolu (7) ta' l-artikolu 50 ta' l-Att prinċipali għandu jidhul dan li ġej:

Emenda ta' l-artikolu 50 ta' l-Att prinċipali.

“(7) Id-dispożizzjonijiet ta' l-Att dwar ir-Registru Pubbliku jgħoddu għall-formazzjoni tan-noti fuq imsemmija, kif ukoll tan-noti ta' ipoteka u ta' kull nota oħra li tiġi ippreżentata fir-Registru Pubbliku.”.

13. Fil-proviso għas-subartikolu (7) ta' l-artikolu 53 ta' l-Att prinċipali, minflok il-kliem “fi żmien il-jumejn tax-xogħol li jiġu sewwa sew wara dak in-nhar li fih l-att ikun ingħalaq tan-nutar li rċevih” għandhom jidhlu l-kliem “fiż-żmien preskritt bl-imsemmi artikolu 8”.

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

14. L-artikolu 57 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

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

(a) fis-subartikolu (1) tiegħu, minflok il-kliem “il-postilli” għandhom jidhlu l-kliem “kull tibdil magħmul fih”;

(b) minflok is-subartikolu (2) tiegħu għandu jidhul dan li ġej:

“(2) In-Nutar għandu jagħmel dikjarazzjoni ffirmata minnu fit-tarf ta' kull volum, li jkun qabel ir-registru ma' l-attijiet oriġinali relattivi.”; u

(ċ) fis-subartikolu (4) tiegħu —

(i) il-kliem “u m'hux b'postilli” għandhom jithassru; u

(ii) minflok il-proviso li hemm għalih għandu jidhul dan li ġej:

“Izda ebda volum wieħed ma għandu jkun parti mik-tub bl-idejn u parti dattilografat jew stampat, hliel li meta xi parti mill-oriġinal, jew xi dokumenti mdaħħlin fih, ikunu stampati, *facsimile* tagħhom jistgħu jintużaw għar-registrazzjoni tagħhom.”.

15. Fil-paragrafu (g) tas-subartikolu (2) ta' l-artikolu 66 ta' l-Att prinċipali, minflok il-kliem “Il-Kullejter tat-Taxxi u tal-Lottu, għall-finijiet tal-likwidazzjoni tat-taxxa taht id-dispożizzjonijiet ta' l-Ordinanza dwar it-Taxxi fuq is-Suċċessjoni u d-Donazzjoni (Kapitlu 70)” għandhom jidhlu l-kliem “Il-Kummissarju tat-Taxxi Nterni, għall-finijiet tal-likwidazzjoni tat-taxxa taht id-dispożizzjonijiet ta' l-Att ta' l-1973 dwar it-Taxxa tal-Mewt u tad-Donazzjoni, jew xi liġi oħra li tissostitwiha.”.

Emenda ta' l-artikolu 66 ta' l-Att prinċipali.

16. Fis-subartikolu (1) ta' l-artikolu 100 ta' l-Att prinċipali, il-kliem “u li tagħhom huwa n-nutar konservatur” għandhom jithassru.

Emenda ta' l-artikolu 100 ta' l-Att prinċipali.

17. L-artikolu 101 ta' l-Att prinċipali hu b'dan imħassar.

Thassir ta' l-artikolu 101 ta' l-Att prinċipali.

18. Fis-subartikolu (1) ta' l-artikolu 103 ta' l-Att prinċipali, il-kliem “li tagħhom ma jkunx il-Konservatur l-Arkivist” għandhom jithassru.

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

19. L-artikolu 111 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 111 ta' l-Att prinċipali.

(a) minflok is-subartikoli (2) u (3) tiegħu, għandu jidhul dan li ġej:

“(2) Il-Qorti tkun magħmula minn dawk il-membri, imsejha Viżitaturi, li l-Ministru responsabbli għall-Ġustizzja jista’ jahtar, għal dak il-perijodu li jiġi speċifikat fil-hatra tagħhom. Il-Viżitaturi jkunu maħtura minn fost l-Imħallfin tal-Qrati Superjuri, il-Maġistrati tal-Pulizija Ġudizzjarja, u minn fost Avukati u Nutara Pubbliċi li jkunu eżerċitaw il-professjoni tagħhom għal mhux inqas minn seba’ snin:

Izda Nutar Pubbliku ma jistax jiġi maħtur Viżitatur sakemm dana ma jkunx għamel rinunzja tal-professjoni tiegħu kif provdut fil-paragrafu (d) ta’ l-artikolu 14 ta’ dan l-Att.

(3) Il-Qorti għandha f’kull żmien tkun kostitwita kif imiss meta tliet Viżitaturi jew iżjed, li mill-anqas wiehed minnhom ikun Imħallef jew Maġistrat u li għandu jippresjedi, ikunu qed jiltaqgħu flimkien.”;

(b) minnufih wara s-subartikolu (4) tiegħu għandu jizdied is-subartikolu ġdid li ġej:

“(5) Nutara għandhom iħallsu għal dik is-sorveljanza u dawk l-ispezzjonijiet dawk id-drittijiet li jistgħu jkunu fl-Iskeda li tinsab ma’ dan l-Att. Dawk id-drittijiet għandhom jithallsu lir-Registatur tal-Qorti ta’ Reviżjoni ta’ l-Attijiet Nutarili.”.

Setgħat tal-
Ministru li
jagħmel
regolamenti.

20. Minflok is-subartikolu (2) ta’ l-artikolu 148 ta’ l-Att prinċipali għandu jidhol is-subartikolu li ġej:

“(2) Il-Ministru responsabbli għall-Ġustizzja jista’ jagħmel regolamenti li bihom iżid ma’, jew jagħmel emendi għal, l-Iskeda li tinsab ma’ dan l-Att, jew jagħmel Tariffa oħra jew Skeda oħra ġdida f’lokha.”.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 330 tal-21 ta’ Novembru, 1979.

Skrivan tal-Kamra tad-Deputati

Speaker



I assent.

Anton Rultiney
President

23 November, 1979

ACT No. XXXIV of 1979

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:—

Short title and commencement.

1. (1) This Act may be cited as the Notarial Profession and Notarial Archives (Amendment) Act, 1979, and shall be read and construed as one with the Notarial Profession and Notarial Archives Act, hereinafter referred to as "the principal Act".

(2) This Act shall come into force on the 1st day of January, 1980.

Amendment of section 4 of the principal Act.

2. Immediately after paragraph (b) of section 4 of the principal Act there shall be added the following new paragraph:

"(c) the names of the Visitors appointed under section 111 who are in office on the date of the notice."

Amendment of section 7 of the principal Act.

3. In subsection (2) of section 7 of the principal Act, for the words "The notary with whom the candidate shall have served his apprenticeship" there shall be substituted the words "The notary at whose office the candidate satisfied the requirements of paragraph (e) of section 6 of this Act".

Amendment of section 10 of the principal Act.

4. Paragraph (b) of section 10 of the principal Act shall have effect and shall be deemed to have always had effect as follows:

"(b) write in a book kept for the purpose in the office of the Attorney General his specimen signature as he is thereafter to use it in signing deeds;"

5. In section 19 of the principal Act for the words "shall on the application of lawful owners appoint as keepers thereof, such persons as are named by such owners and have declared their willingness to accept" there shall be substituted the words "shall on the application of lawful owners or of the Attorney General *ex officio* appoint as keepers thereof such notary as is named by such owners or by the Attorney General and who has declared his willingness to accept".

Amendment of section 19 of the principal Act.

6. Section 25 of the principal Act shall be amended as follows:

Amendment of section 25 of the principal Act.

(a) for subsection (1) thereof there shall be substituted the following:

"(1) The notary shall not receive any notarial acts except in the presence of the parties."; and

(b) for subsection (2) thereof there shall be substituted the following:

"(2) The presence of two witnesses shall not be required except in the following cases:

- (a) whenever any of the parties so request;
- (b) whenever any of the parties does not know how or is unable to sign his name;
- (c) in the case of public wills."

7. For section 26 of the principal Act there shall be substituted the following:

Substitution of section 26 of the principal Act.

"26. The Notary must personally be certain of the identity of the parties, or where such parties do not appear personally, of the identity of their agent. Such identity shall be ascertained by the production of the official identity card, passport or other similar official document, or where such document cannot be produced on testimony of two attestors personally known to the Notary, who may also be the witnesses appearing on the deed."

8. Section 28 of the principal Act shall be amended as follows:

Amendment of section 28 of the principal Act.

(a) for paragraph (d) of subsection (1) thereof there shall be substituted the following:

"(d) the number (which may be written in figures only) of the official document produced for ascertaining the identity of the parties or a declaration that the notary has ascertained such identity by means of attestors.";

(b) in sub-paragraph (ii) of paragraph (f) of subsection (1) thereof, for the words "in a manner as to establish its identity" there shall be substituted the words "as well as a detailed plan of the property, together with an official survey sheet showing the juxtaposition of the said property in a manner as to establish its identity:

Provided that where the same plan required to be so annexed is already annexed to another public deed, a reference thereto shall suffice".

(c) in paragraph (g) of subsection (1) thereof for the words "within the two working days immediately following that on which the act is completed by the signature of the notary by whom it is received" there shall be substituted the words "within the time prescribed by the said section 8";

(d) in paragraph (k) of subsection (1) thereof —

(i) for the words “in the marginal notes and in the annexes” in sub-paragraph (i) there shall be substituted the words “in the annexes and in the list”;

(ii) at the end of sub-paragraph (ii) there shall be added the words “and Notaries Public in Government employment shall also declare such capacity,”; and

(e) in paragraph (l) of subsection (1) thereof the words “if there is no marginal note duly signed” shall be deleted; and

(f) in subsection (2) thereof, for the words “in the marginal notes, intermediate sheets” there shall be substituted the words “in the intermediate sheets”.

Amendment of
section 30 of
the principal
Act.

9. Section 30 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof for the words “in indelible ink, in clear and easily legible characters” there shall be substituted the words “typewritten or printed in dark, clear, easily legible and indelible characters”;

(b) at the end of subsection (1) thereof there shall be inserted the following paragraph:

“Every original act shall have two margins, one on the right-hand side and the other on the left-hand side. All annotations and signatures as are required by law to be made in the margin shall be made in whichever of the said sides is the outer side.”;

(c) for subsections (2) and (3) thereof there shall be substituted the following subsections:

“How
alterations
in the Act
are to be
made.

(2) Where it is necessary to remove, vary or add any words before the act is signed by the parties, the attestors, interpreter and witnesses, the notary shall make such removal, variation or addition by means of a numbered mark in the place where such removal, variation or addition is to be made and a note at the end of the act, but before the final signatures, numbered so as to correspond to the relative mark; and in any such case, the notary shall cancel the words which it is desired to remove or vary, in such manner as to leave the words cancelled still legible, and the note at the end of the act shall state the number of words so cancelled or, as the case may be, that other words are substituted for those cancelled, and containing immediately after, the words so substituted.

(3) In the case of a mere addition of words, the notary shall make a numbered mark in the place where the addition is to be made and a note at the end of the act, but before the final signatures, numbered so as to correspond to the relative mark, and containing the expression “words added” and, immediately after, the words to be added.”.

Amendment of
section 40 of
the principal
Act.

10. In the proviso to paragraph (d) of section 40 of the principal Act for the words “in any marginal note or in any of the annexes” there shall be substituted the words “in the annexe or list”, and the words “such unsigned marginal note shall be considered as if it had not been made and” shall be deleted.

11. In subsection (2) of section 46 of the principal Act, for the words "The notary may make" there shall be substituted the words "The notary shall make". Amendment of section 46 of the principal Act.
12. For subsection (7) of section 50 of the principal Act there shall be substituted the following: Amendment of section 50 of the principal Act.
- “(7) The provisions of the Public Registry Act shall apply to the drawing up of the said notes, as well as to the drawing up of notes of hypothecation and of all other notes filed in the Public Registry.”.
13. In the proviso to subsection (7) of section 53 of the principal Act, for the words "within the two working days immediately following that on which the act is completed by the signature of the notary who received it" there shall be substituted the words "within the time prescribed by the said section 8". Amendment of section 53 of the principal Act.
14. Section 57 of the principal Act shall be amended as follows: Amendment of section 57 of the principal Act.
- (a) in subsection (1) thereof, for the words "the marginal notes" there shall be substituted the words "any variation made therein";
- (b) for subsection (2) thereof, there shall be substituted the following:
- “(2) The notary shall make a signed declaration at the end of each volume, that he has collated the register with the relative original acts.”; and
- (c) in subsection (4) thereof —
- (i) the words "and not by means of a marginal note" shall be deleted; and
- (ii) for the proviso thereto there shall be substituted the following:
- “Provided that no single volume shall be partly handwritten and partly typewritten or printed, except that where any part of the original, or any annexe attached thereto, is printed, a facsimile of the same may be used in the registration thereof.”.
15. In paragraph (g) of subsection (2) of section 66 of the principal Act, for the words "The Collector of Imposts and Lotto shall, for the purpose of assessing duties under the provisions of the Succession and Donation Duties Ordinance (Chapter 70)" there shall be substituted the words "The Commissioner of Inland Revenue shall, for the purpose of assessing duties under the provisions of the Death and Donation Duties Act, 1973, or any other law substituting it,". Amendment of section 66 of the principal Act.
16. In subsection (1) of section 100 of the principal Act, the words "and of which he is the keeper" shall be deleted. Amendment of section 100 of the principal Act.
17. Section 101 of the principal Act is hereby repealed. Repeal of section 101 of the principal Act.

Amendment of section 103 of the principal Act.

18. In subsection (1) of section 103 of the principal Act, the words "whereof the Archivist is not the keeper" shall be deleted.

Amendment of section 111 of the principal Act.

19. Section 111 of the principal Act shall be amended as follows:

(a) for subsections (2) and (3) thereof there shall be substituted the following:

"(2) The Court shall consist of such members, called Visitors, as the Minister responsible for Justice may appoint for such period as may be specified in their appointment. The Visitors shall be appointed from among the Judges of the Superior Courts, the Magistrates of Judicial Police, and from among Advocates and Notaries Public who have practised their profession for not less than seven years:

Provided that a Notary Public shall not be appointed a Visitor unless he has resigned his office as provided in paragraph (d) of section 14 of this Act.

(3) The Court shall at all times be duly constituted when three or more Visitors, of whom one at least shall be a Judge or a Magistrate and who shall preside, are sitting together.";

(b) immediately after subsection (4) thereof there shall be added the following new subsection:

"(5) Notaries shall be charged for such supervision and inspection such fees as may be contained in the Schedule to this Act. Such fees shall be paid to the Registrar of the Court of Revision of Notarial Acts."

Power of Minister to make regulations.

20. For subsection (2) of section 148 of the principal Act there shall be substituted the following subsection:

"(2) The Minister responsible for Justice may by regulation add to, or amend, the Schedule to this Act or make any other Tariff or Schedule in substitution thereof."

Passed by the House of Representatives at Sitting No. 330 of the 21st November, 1979.



Clerk to the House of Representatives

