MALTA

ATT Nru. XXXV ta' l-1979

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

ATT biex ikompli jemenda l-Att dwar ir-Reġistru Pubbliku, Kap. 93.

ACT No. XXXV of 1979

AN ACT enacted by the Parliament of Malta.

AN ACT further to amend the Public Registry Act, Cap. 93.

Naghti l-kunsens tieghi.

President

23 ta' Novembru, 1979

ATT Nru. XXXV ta' l-1979

ATT biex ikompli jemenda l-Att dwar ir-Reġistru Pubbliku, Kap. 93.

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-seħħ.

1. (1) Dan l-Att jista' jissejjaħ l-Att ta' l-1979 li jemenda l-Att dwar ir-Reġistru Pubbliku, u għandu jinqara u jiftiehem ħaġa waħda ma' l-Att dwar ir-Reġistru Pubbliku, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

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

Emenda ta' l-artikolu 3 ta' l-Att prinċipali.

2. Fis-subartikolu (5) ta' l-artikolu 3 ta' l-Att prinċipali, minflok il-kliem "il-ġurament ta' fedeltà kif miġjub fl-artikolu 10 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, (Kapitlu 15)" għandhom jidħlu l-kliem "l-ġurament ta' fedeltà muri fil-Kostituzzjoni ta' Malta".

Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

3. Minflok is-subartikolu (2) ta' l-artikolu 5 ta' l-Att prinċipali għandu jidħol dan li ġej:

"(2) Kull nota ta' iskrizzjoni ta' kawżi ta' preferenza bejn il-kredituri għandha ssir skond il-Formula A tat-Tieni Skeda li tinsab ma' dan l-Att u kull nota ta' riferenza għalihom għandha ssir skond il-Formula B ta' l-istess Skeda.

(3) Nota ta' insinwa ta' att jew ta' iskrizzjoni ta' kawżi ta' preferenza u kull nota ta' riferenza għalihom għandha tkun dattilografata jew stampata b'karattri skuri, li jidhru sewwa, li jinqraw faċilment u li ma jitħassrux, fuq karta awtorizzata mid-Direttur; u għandha tiġi depożitata fir-Reġistru Pubbliku, flimkien man-nota, kopja ċara tagħha.

(4) Ebda nota, sew jekk ta' iskrizzjoni jew ta' insinwa, ma għandu jkun fiha xi figuri jew numri li ma jkunux, għall-anqas qabel, ġew miktuba fi kliem, u ebda korrezzjoni ma għandha ssir f'xi nota bħal dik.".

4. Minflok l-artikolu 10 ta' l-Att prinċipali għandu jidħol dan li ġej: Sostituzzjoni ta' l-artikolu 10 ta' l-Att prinċipali.

"10. Id-Direttur ma għandu jirċievi ebda nota iffirmata biss mill-persuna li titlob l-iskrizzjoni jew l-insinwa jekk hu ma jkunx jaf sewwa lil dik il-persuna u l-firma tagħha jew jekk ma jkunx żgura l-identità ta' dik il-persuna bil-produzzjoni tal-karta ta' l-identità uffiċjali, jew tal-passaport jew ta' xi dokument uffiċjali ieħor u l-firma ta' dik il-persuna ma ssirx quddiem id-Direttur.".

5. L-artikolu 16 ta' l-Att prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 16 ta' l-Att prinċipali.

(a) minflok is-subartikolu (1) tiegħu għandu jidħol dan li ġej:

"(1) L-iskrizzjoni jew l-insinwa ssir billi tidħol kopja ċara tagħha fir-reġistru. Il-kopja għandu jkollha n-numru progressiv tan-nota u d-data meta tiġi riċevuta u għandha tkun iffirmata mid-Direttur."; u

(b) fis-subartikolu (3) tiegħu, il-kliem "li għaliha jirriferixxu" għandhom jitħassru.

6. Is-subartikolu (2) ta' l-artikolu 18 ta' l-Att prinċipali għandu jitħassar. Emenda ta' l-artikolu 18 ta' l-Att prinċipali.

7. Minnufih wara l-artikolu 22 ta' l-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej: Żieda ta' artikolu ġdid 22A ma' l-Att prinċipali.

"Applikabbiltà ta' l-artikoli 20, 21 u 22. 22A. Id-disposizzjonijiet ta' l-artikoli 20, 21 u 22 ma għandhomx japplikaw għal noti ppreżentati wara l-1 ta' Jannar 1980.".

8. Minflok l-artikolu 32 ta' l-Att prinċipali għandu jidħol dan li ġej: Sostituzzjoni ta' l-artikolu 32 ta' l-Att prinċipali.

"32. Id-Direttur tar-Reġistru Pubbliku ma għandu jirċievi ebda nota ta' tiġdid jekk ma tkunx magħmula skond il-Formula A fit-Tieni Skeda li tinsab ma' dan l-Att flimkien mad-dikjarazzjoni li ġejja fit-tarf tan-nota ta' tiġdid:

"Jiena niddikjara li bi ħsiebni nġedded in-nota ta' iskrizzjoni numru .... li daħlet fir-Reġistru Pubbliku fi .... ".".

9. Minflok is-subartikolu (1) ta' l-artikolu 36 ta' l-Att prinċipali, għandu jidħol dan li ġej: Emenda ta' l-artikolu 36 ta' l-Att prinċipali.

"(1) Wieħed mill-Viżitaturi għandu jispezzjona ir-reġistri darbtejn fis-sena.".

10. Fl-artikolu 37 ta' l-Att prinċipali, minflok il-kliem "il-Qorti għandha teżamina" għandhom jidħlu l-kliem "il-Viżitatur għandu jeżamina". Emenda ta' l-artikolu 37 ta' l-Att prinċipali.

Żieda ta' artikolu 40 ġdid ma' l-Att prinċipali.

11. Minnufih wara l-artikolu 39 ta' l-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

"Setgħa għall-għemil ta' regolamenti.

40. Il-Ministru responsabbli għall-Ġustizzja jista' b'regolamenti jemenda, iżid ma' jew jissostitwixxi l-Iskedi li jinsabu ma' dan l-Att.".

Emenda tat-Tieni Skeda li tinsab ma' l-Att prinċipali.

12. Minflok il-Formuli A u B fit-Tieni Skeda li tinsab ma' l-Att prinċipali għandhom jidħlu dawn li ġejjin:

"FORMULA A — Nota għal Iskrizzjoni

(Artikoli 5, 32)

Nota għal Iskrizzjoni

ta' .... Nru. Progressiv ....

RIMARKI (għall-użu uffiċjali biss)

KREDITUR

(Partikolaritajiet tal-Kreditur)

DEBITUR

(Partikolaritajiet tad-Debitur)

KREDITU

(Partikolaritajiet tal-Kreditu)

KAWŻA TA' PREFERENZA

(Ipoteka, Privileġġ, Ipoteka Legali, eċċ.)

Illum .... ta' .... 19...

....

Direttur — Firma tal-persuna li tapplika għall-iskrizzjoni

FORMULA B — Nota ta' Riferenza

(Artikolu 5 (2))

Riferenza Nru.	Titolu
(In-Numru ta' l-Ipoteka għandu jitniżżel hawnhekk)	.... Firma."

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

Skrivan tal-Kamra tad-Deputati

Speaker

I assent.

Anton Buttigieg.

President

23 November, 1979

ACT No. XXXV of 1979

AN ACT further to amend the Public Registry Act, Cap. 93

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 Public Registry (Amendment) Act, 1979, and shall be read and construed as one with the Public Registry 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 3 of the principal Act.

2. In subsection (5) of section 3 of the principal Act, for the words "the oath of allegiance in terms of section 10 of the Code of Organization and Civil Procedure (Chapter 15)" there shall be substituted the words "the oath of allegiance set out in the Constitution of Malta".

Amendment of section 5 of the principal Act.

3. For subsection (2) of section 5 of the principal Act there shall be substituted the following:

"(2) Every note for the registration of any cause of preference among creditors shall be drawn up according to Form A in the Second Schedule hereto and any note of reference to the same shall be drawn up according to Form B in the said Schedule.

(3) A note for the enrolment of an Act or for the registration of a cause of preference and any note of reference to the same shall be typewritten or printed in dark, clear, easily legible and indelible characters, on paper authorised by the Director; and there shall be deposited at the Public Registry, together with the note, a clear copy thereof.

(4) No note, whether for registration or enrolment, shall contain any figures or numbers which have not at least in the first instance, been written out in words, and no correction shall be made in any such note.".

4. For section 10 of the principal Act there shall be substituted the following: Substitution of section 10 of the principal Act.

"10. The Director shall not receive any note which is signed only by the person applying for registration or enrolment unless such person and his signature are well known to him or unless he has ascertained the identity of such person by means of the official identity card, or of a passport or of some other official document and the signature of such person is made in the presence of the Director.".

5. Section 16 of the principal Act shall be amended as follows: Amendment of section 16 of the principal Act.

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

"(1) Registration or enrolment is effected by entering a clear copy thereof in the register. The copy shall contain the progressive number of the note and the date of receipt and shall be signed by the Director."; and

(b) in subsection (3) thereof, the words "to which they refer" shall be deleted.

6. Subsection (2) of section 18 of the principal Act shall be deleted. Amendment of section 18 of the principal Act.

7. Immediately after section 22 of the principal Act there shall be added the following new section: Addition of new section 22A to the principal Act.

"Applicability of sections 20, 21 and 22. 22A. The provisions of sections 20, 21 and 22 shall not apply to notes presented after 1st January 1980.".

8. For section 32 of the principal Act there shall be substituted the following: Substitution of section 32 of the principal Act.

"32. The Director of the Public Registry shall not receive any note of renewal unless it is made in accordance with Form A in the Second Schedule hereto together with the following declaration at the end of the note of renewal:

"I declare that I intend to renew note of registration number .... entered in the Public Registry on ...." ".

9. For subsection (1) of section 36 of the principal Act, there shall be substituted the following: Amendment of section 36 of the principal Act.

"(1) One of the Visitors shall inspect the registers twice in each year.".

10. In section 37 of the principal Act, for the words "the Court shall examine" there shall be substituted the words "the Visitor shall examine". Amendment of section 37 of the principal Act.

Addition of new section 40 to the principal Act.

11. Immediately after section 39 of the principal Act there shall be added the following new section:

"Power to make regulations.

40. The Minister responsible for Justice may by regulations amend, make additions to or substitute the Schedules to this Act.".

Amendment of Second Schedule to the principal Act.

12. For Forms A and B in the Second Schedule to the principal Act there shall be substituted the following:

"F O R M A — Note for Registration

(Sections 5, 32)

Note for Registration

of .... Progressive No. ....

REMARKS (for office use only)

CREDITOR

(Particulars of Creditor)

DEBTOR

(Particulars of Debtor)

CREDIT

(Particulars of Credit)

CAUSE OF PREFERENCE

(Hypothec, Privilege, Legal Hypothec, etc)

This .... day of .... 19......

....	....
Director	Signature of person applying for registration

FORM B — Note of Reference

(Section 5 (2))

Reference No.	Title
(Hypothec No. is to be inserted here)	.... Signature."

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

Clerk to the House of Representatives

Speaker