

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,578, 20 ta' Mejju, 2016

Taqsim C

Nru. 156

20. 05. 2016

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Deborah Schembri, M.P., Segretarju Parlamentari għall-Ippjanar u Simplifikazzjoni Amministrattiva, u moqri għall-Ewwel darba fis-Seduta tas-16 ta' Mejju, 2016.

A BILL introduced by the Honourable Deborah Schembri, M.P., Parliamentary Secretary for Planning and Simplification of Administrative Processes, and read the First time at the Sitting of the 16th May, 2016.

ATT biex ikompli jemenda l-Kodiċi Ċivili, Kap. 16.

AN ACT to further amend the Civil Code, Cap 16.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT biex ikompli jemenda l-Kodiċi Ċivili, Kap. 16.

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, harget b'liġi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2016 li jemenda l-Kodiċi Ċivili (Emenda Nru 4), u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem imsejjah "il-Kodiċi".

Titolu fil-qosor.

Kap. 16.

2. Fil-paragrafu (d) tal-artikolu 2148 tal-Kodiċi, minflok il-kliem "dawk imħallsin bis-sena" għandha tidhol il-kelma "persuni".

Emenda tal-artikolu 2148 tal-Kodiċi.

3. L-artikolu 2156 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 2156 tal-Kodiċi.

(a) fil-paragrafu (g) tiegħu, minflok il-kliem "jew taxxi oħra." għandhom jidhlu l-kliem "jew taxxi oħra."; u

(b) minnufih wara l-paragrafu (g) tiegħu, kif emendat, għandu jizjed il-proviso ġdid li ġej:

"Izda l-preskrizzjoni dwar l-azzjonijiet imsemmija fil-paragrafi (a) u (ċ), meta tali hlasijiet ikunu dovuti lill-Gvern ta' Malta, tagħlaq bl-għeluq ta' għaxar snin."

4. L-artikolu 2160 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda tal-artikolu 2160 tal-Kodiċi.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "meta jingħata lilhom il-ġurament, ma jistqarrux li" għandhom jidhlu l-kliem "ma jagħtux ġurament minn jeddhom waqt il-kawża li";

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(b) fis-subartikolu (2) tiegħu, minflok il-kliem "jiġi mogħti lill-werrieta" għandhom jidhlu l-kliem "jingħata mill-werrieta", u minflok il-kliem "lil oħrajn" għandhom jidhlu l-kliem "minn oħrajn"; u

(ċ) minnufih wara s-subartikolu (2) tiegħu, kif emendat, għandhom jizdiedu s-subartikoli godda li ġejjin:

"(3) Meta parti tagħti gurament li hija mhijiex debitur, din trid tagħti raġunijiet għaliex qed tqis lilha nnifisha li mhijiex debitur.

(4) Jekk fil-gurament tagħha parti tgħid li hija mhijiex debitur minhabba l-mogħdija taż-żmien, din l-istqarrija għandha titqies bħala ammissjoni tad-dejn u għalhekk twaqqa' l-preskrizzjoni eċċepita."

Ghanijiet u Raġunijiet

L-għan ta' dan l-Abbozz ta' liġi huwa sabiex jiġi rivedut t-terminu ta' preskrizzjoni ta' azzjonijiet li jinvolvu l-ġbir ta' ċnus u kirjiet favur il-Gvern ta' Malta. L-abbozz jipprovdi wkoll għar-reviżjoni tad-dispożizzjonijiet tal-gurament deċiżorju sabiex il-kreditur ma jkunx prekluz milli jiġbor dak dovut lilu minn debitur li jirrikonoxxi li għandu jagħti.

**A BILL
entitled**

AN ACT to further amend the Civil Code, Cap 16.

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. The short title of this Act is the Civil Code (Amendment No. 4) Act, 2016, and this Act shall be read and construed as one with the Civil Code, hereinafter referred to as "the Code". Short title.
Cap.16.
2. In paragraph (d) of article 2148 of the Code, for the words "persons paid by the year" there shall be substituted the word "persons". Amendment of
article 2148 of
the Code.
3. Article 2156 of the Code shall be amended as follows: Amendment of
article 2156 of
the Code.
 - (a) in paragraph (g) thereof, for the words "or other dues." there shall be substituted the words "or other dues."; and
 - (b) immediately after paragraph (g) thereof, as amended, there shall be added the following new proviso:

"Provided that actions referred to in paragraphs (a) and (c), where such payments are due to the Government of Malta, shall be barred by prescription by the lapse of ten years."

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Amendment of
article 2160 of
the Code.

4. Article 2160 of the Code shall be amended as follows:

(a) in sub-article (1) thereof, for the words "upon being put on oath, do not declare that" there shall be substituted the words "do not of their own accord declare on oath, during the cause, that";

(b) in the Maltese version of sub-article (2) thereof, for the words "jiġi mogħti lill-werrieta" there shall be substituted the words "jingħata mill-werrieta", and for the words "lil ohrajn" there shall be substituted the words "minn ohrajn"; and

(c) immediately after sub-article (2) thereof, there shall be added the following new sub-articles:

"(3) Where a party to the proceedings declares on oath that he or she is not a debtor, such party shall be required to give reasons why considers himself or herself not to be a debtor.

(4) If the party to the proceedings declares on oath that he or she is not a debtor because of the lapse of time, such declaration shall be considered as an admission of the debt and consequently voids the plea of prescription."

Objects and Reasons

The object of this Bill is to review the prescriptive period in actions which involve the collection of ground-rents and other rents payable to the Government of Malta. The Bill also provides for the revision of the provisions relating to the confirmation on oath in order that the creditor will not be precluded from collecting whatever is due to him or her from a debtor who recognizes the fact that he or she is a debtor.

