

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,543, 4 ta' Marzu, 2016

Taqsim A

MALTA

ATT Nru XIV tal-2016

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

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

ACT No. XIV of 2016

AN ACT enacted by the Parliament of Malta.

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

Naghti l-kunsens tiegħi.

(L.S.)

**MARIE LOUISE
COLEIRO PRECA
President**

4 ta' Marzu, 2016

ATT Nru XIV tal-2016

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'ligi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2016 li jemenda l-Kodiċi Ċivili (Emenda Nru 2), u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem imsejjaħ "il-Kodiċi". Titolu fil-qosor u bidu fis-sehħ.
Kap. 16.
- (2) Dan l-Att għandu jidhol fis-sehħ fl-1 ta' April, 2016.
2. Fis-subartikolu (3) tal-artikolu 495 tal-Kodiċi, inkluż fit-tieni proviso tiegħu, minflok il-kliem "għaxar snin", kull fejn jinsabu, għandhom jidhlu l-kliem "tliet snin". Emenda tal-artikolu 495 tal-Kodiċi.
3. Fis-subartikolu (1) tal-artikolu 495A tal-Kodiċi, minflok il-kliem "għaxar snin" għandhom jidhlu l-kliem "tliet snin". Emenda tal-artikolu 495A tal-Kodiċi.
4. L-artikolu 495B tal-Kodiċi għandu jiġi sostitwit b'dan li ġej: Sostituzzjoni tal-artikolu 495B tal-Kodiċi.

"Dispożizzjoni tranżitorja fir-rigward tal-artikoli 495 u 495A u obbligu ta' registrazzjoni taht l-Att dwar ir-Registrazzjoni tal-Artijiet.

495B. (1) Il-perjodu ta' tliet snin stipulat fl-artikoli 495(3) u 495A(1) għandu japplika fir-rigward ta' kull proprjetà in komun li għaliha japplikaw l-imsemmija artikoli u li, fl-1 ta' April jew wara, tkun fil-pussess in komun tal-komproprjetarji tagħha għal perjodu ta' mill-anqas tliet snin.

(2) Il-perjodi ta' għaxar snin li qabel kienu previsti fl-artikoli 495(3) u 495A(1) (qabel ma ġew emendati) u ta' hames snin li qabel kien previst fl-artikolu 495B (qabel ma ġie sostitwit) rispettivament u kif fis-sehħ qabel l-1 ta' April 2016 ma għandhomx jibqgħu japplikaw wara l-1 ta' April 2016.

Kap. 296.

(3) Proprjetà immobbli trasferita abbażi ta' sentenza tal-qorti mogħtija skont l-artikolu 494(1) u li ma tkunx tinsab f'*area* ta' registrazzjoni ta' artijiet għall-finijiet tal-Att dwar ir-Registrazzjoni ta' Artijiet għandha, minkejja d-dispożizzjonijiet ta' kull liġi oħra, titqies li tikkostitwixxi *area* ta' registrazzjoni ta' artijiet għall-finijiet tal-imsemmi Att u għandha tiġi registrata fir-Registru tal-Artijiet min-Nutar li jippubblika l-att ta' trasferiment bl-ispejjeż ikunu fuq il-persuna li tircievi l-proprjetà."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 363 tal-1 ta' Marzu, 2016.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

**MARIE LOUISE
COLEIRO PRECA
President**

4th March, 2016

ACT No. XIV of 2016

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. (1) The short title of this Act is the Civil Code (Amendment No. 2) Act, 2016, and this Act shall be read and construed as one with the Civil Code, hereinafter referred to as "the Code".

Short title and commencement.

Cap.16.

(2) This Act shall come into force on 1st April, 2016.

2. In sub-article (3) of article 495 of the Code, including the provisos thereto, for the words "ten years", wherever they occur, there shall be substituted the words "three years".

Amendment of article 495 of the Code.

3. In sub-article (1) of article 495A of the Code, for the words "ten years" there shall be substituted the words "three years".

Amendment of article 495A of the Code.

4. Article 495B of the Code shall be substituted by the following:

Substitution of article 495B of the Code.

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"Transitory provision in respect of articles 495 and 495A and obligation to register under the Land Registration Act.

495B. (1) The period of three years stipulated in articles 495(3) and 495A(1) shall apply in respect of all co-owned property to which the said sub-articles apply which on or after the 1st April 2016 shall have been held in common by the co-owners thereof for a period of at least three years.

(2) The periods of ten years previously provided for in articles 495(3) and 495A(1) (prior to their amendment) and of five years previously provided for in article 495B (prior to its substitution) respectively and as in force prior to the 1st April 2016 shall no longer apply as from the 1st April 2016.

Cap. 296.

(3) Immovable property transferred on the basis of a court decision given under article 494(1) and not being situated within a land registration area for the purposes of the Land Registration Act shall, notwithstanding the provisions of any other law, be deemed to constitute a land registration area for the purposes of the said Act and it shall be registered in the Land Registry by the Notary who publishes the deed of transfer at the expense of the transferee."

Passed by the House of Representatives at Sitting No. 363 of the 1st March, 2016.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

