

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,712, 13 ta' Jannar, 2017

Taqsim A

MALTA

ATT Nru I tal-2017

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

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

ACT No. I of 2017

AN ACT enacted by the Parliament of Malta.

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

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

13 ta' Jannar, 2017

ATT Nru I tal-2017

ATT biex 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, ħarġet b'ligi dan li ġej:-

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2017 li jemenda l-Kodiċi Ċivili, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem imsejjaħ "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:
 - (a) fil-paragrafu (g) tiegħu, minflok il-kliem "jew taxxi oħra." għandhom jidhlu l-kliem "jew taxxi oħra."; u Emenda tal-artikolu 2156 tal-Kodiċi.

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

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

Emenda tal-artikolu 2160 tal-Kodiċi.

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

(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";

(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 jżdidu s-subartikoli ġodda li ġejjin:

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

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

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 466 tad-9 ta' Jannar, 2017.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

13th January, 2017

ACT No. I of 2017

AN ACT to 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) Act, 2017, 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:

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"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."

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 "jiggi mogħti lill-werrieta" there shall be substituted the words "jingħata mill-werrieta", and for the words "lil oħrajn" there shall be substituted the words "minn oħrajn"; 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 he or she 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."

Passed by the House of Representatives at Sitting No.466 of the 9th January, 2017.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

