

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,070, 16 ta' Ottubru, 2018
Taqsim C

Nru. 61

16. 10. 2018

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Ligi mressaq mill-Onorevoli Julia Farrugia Portelli, M.P., Segretarju Parlamentari għar-Riformi, Ċittadinanza u Simplifikazzjoni tal-Proċessi Amministrattivi, u moqri għall-Ewwel darba fis-Seduta tat-8 ta' Ottubru, 2018.

A BILL introduced by the Honourable Julia Farrugia Portelli, M.P., Parliamentary Secretary for Reforms, Citizenship and Simplification of Administrative Processes, and read the First time at the Sitting of the 8th October, 2018.

ATT biex jemenda l-Kodiċi Ċivili, Kap. 16 u l-Att dwar ir-Registru Pubbliku, Kap. 56, sabiex jipprovdì għall-possibbiltà ta' rilokazzjoni tal-uffiċċji tar-Registru Pubbliku f'Malta u Għawdex.

AN ACT to amend the Civil Code, Cap. 16 and the Public Registry Act, Cap. 56, to provide for the possibility of relocation of the offices of the Public Registry in Malta and Gozo.

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI imsejjah

ATT biex jemenda l-Kodiċi Ċivili, Kap. 16 u l-Att dwar ir-Registru Pubbliku, Kap. 56, sabiex jipprovdi għall-possibbiltà ta' rilokazzjoni tal-uffiċċji tar-Registru Pubbliku f'Malta u Ghawdex.

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 ta' dan l-Att huwa l-Att tal-2018 li jemenda Diversi Liġijiet (Rilokazzjoni ta' Uffiċċji u Notifika b'mezzi Elettroniċi). Titolu fil-qosor.

TAQSIMA I Emendi għall-Kodiċi Ċivili

2. Din il-Parti temenda l-Kodiċi Ċivili, u għandha tinqara u tinftiehem haġa waħda mal-Kodiċi Ċivili, hawn iżjed 'il quddiem f'din il-parti msejjaħ "il-Kodiċi". Emendi għall-Kodiċi Ċivili. Kap 16.

3. Fis-subartikolu (3) tal-artikolu 239 tal-Kodiċi minflok il-kliem "fl-Att dwar il-Komunikazzjonijiet u Transazzjonijiet Elettroniċi", għandhom jidhlu l-kliem "fir-Regolament (UE) Nru 910/1014 tal-Parlament Ewropew u tal-Kunsill tat-23 ta' Lulju 2014 dwar l-identifikazzjoni elettronika u s-servizzi fiduċjarji għal transazzjonijiet elettronici fis-suq intern." Emenda tal-artikolu 239 tal-Kodiċi.

4. Fis-subartikolu (1) tal-artikolu 251 tal-Kodiċi minflok il-kliem "kif imfisser fl-Att dwar Komunikazzjonijiet u Transazzjonijiet Elettroniċi" għandhom jidhlu l-kliem "kif imfisser fir-Regolament (UE) Nru 910/1014 tal-Parlament Ewropew u tal-Kunsill tat-23 ta' Lulju 2014 dwar l-identifikazzjoni elettronika u servizzi ta' fiduċja għal transazzjonijiet elettronici fis-suq intern". Emenda tal-artikolu 251 tal-Kodiċi.

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Emenda tal-artikolu 252 tal-Kodiċi.

5. Fis-subartikolu (1) tal-artikolu 252 tal-Kodiċi minflok il-kliem "kif imfisser fl-Att dwar Komunikazzjonijiet u Transazzjonijiet Elettroniċi" għandhom jidhlu l-kliem "kif imfisser fir-Regolament (UE) Nru 910/1014 tal-Parlament Ewropew u tal-Kunsill tat-23 ta' Lulju 2014 dwar l-identifikazzjoni elettronika u servizzi ta' fiduċja għal transazzjonijiet elettronici fis-suq intern".

Emenda tal-artikolu 274 tal-Kodiċi.

6. Fl-artikolu 274 tal-Kodiċi, minnufih wara l-kliem "mill-persuna li tagħti l-avviż", għandhom jiżdiedu l-kliem "kemm b' mod elettroniku".

Emenda tal-artikolu 276 tal-Kodiċi.

7. Fl-artikolu 276 tal-Kodiċi minflok il-kliem "hawn fuq imsemmija." għandhom jidhlu l-kliem "hawn fuq imsemmija:", u minnufih wara għandhom jiżdiedu l-provisos ġodda li ġejjin:

"Iżda f'każ li l-avviż tat-twelid jingħata b' mod elettroniku mill-ġenituri tat-tarbija, l-uffiċjal ma għandux jibgħat għall-ġenituri sabiex jagħmlu d-dikjarazzjonijiet dwar il-partikolaritajiet imsemmija f'dan l-artikolu:

Iżda wkoll, minkejja dak previst f'dan l-artikolu, l-uffiċjal jista' fi kwalunkwe każ, jekk hekk jidhiru, jibgħat għall-ġenituri tat-tarbija sabiex jidhru quddiemu."

Emenda tal-artikolu 282 tal-Kodiċi.

8. Fis-subartikolu (1) tal-artikolu 282 tal-Kodiċi minflok il-kliem "li jikteb l-att." għandhom jidhlu l-kliem "li jikteb l-att:", u minnufih wara għandu jiżdied il-proviso ġdid li ġejj:

"Iżda f'każ li l-partikolaritajiet jingħataw b' mod elettroniku dan is-subartikolu ma japplikax."

Emenda tal-artikolu 285 tal-Kodiċi.

9. Fis-subartikolu (2) tal-artikolu 285 tal-Kodiċi minflok il-kliem "lill-uffiċjal inkarigat mill-kitba tal-atti tat-twelid fil-Belt Valletta" għandhom jidhlu l-kliem "lill-uffiċjal inkarigat mill-kitba tal-atti tat-twelid f'Malta".

Emenda tal-artikolu 296 tal-Kodiċi.

10. L-artikolu 296 tal- Kodiċi għandu jiġi emendat kif ġejj:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "fl-Att dwar il-Komunikazzjonijiet u Transazzjonijiet Elettroniċi", għandhom jidhlu l-kliem "fir-Regolament (UE) Nru 910/1014 tal-Parlament Ewropew u tal-Kunsill tat-23 ta' Lulju 2014 dwar l-identifikazzjoni elettronika u s-servizzi fiduċjarji għal transazzjonijiet elettronici fis-suq intern"; u

(b) fis-subartikolu (2) tiegħu minflok il-kliem "hawn fuq imsemmi" għandhom jidhlu l-kliem "hawn fuq imsemmi jew dak l-avviż jista' jitwassal b'mezzi elettronici".

11. Fl-artikolu 297 tal-Kodiċi minflok il-kliem "li jagħtu avviż ta' dik il-mewt." għandhom jidhlu l-kliem "li jagħtu avviż ta' dik il-mewt.", minnufih wara għandu jizjed il-proviso ġdid li ġej:

Emenda tal-artikolu 297 tal-Kodiċi.

"Izda tali avviż jista' jingħata kemm billi persuna tmur għand l-uffiċjal imsemmi fl-artikolu 296(1) jew tali avviż jingħata b'mod elettroniku."

12. Is-subartikolu (2) tal-artikolu 304 tal-Kodiċi għandu jiġi sostitwit b'dan li ġej:

Emenda tal-artikolu 304 tal-Kodiċi.

"(2) Meta bastiment b'hal dak jasal f'Malta, l-Awtorità għat-Trasport f'Malta għandha tibgħat kopja ta' dak in-nota lill-uffiċjal inkarigat mill-kitba tal-atti tal-mewt f'Malta, u dan għandu, bla dewmien, jagħmel l-att tal-mewt ta' dik il-persuna.

Izda tali nota tista' wkoll titwassal b'mezzi elettronici."

TAQSIMA II

Emendi għall-Att dwar ir-Registru Pubbliku

13. Din il-Parti temenda l-Att dwar ir-Registru Pubbliku, u għandha tinqara u tintfieh hemm haġa waħda mal-Att dwar ir-Registru Pubbliku, hawn iżjed 'il quddiem f'din il-parti msejja "l-Att prinċipali".

Emendi għall-Att dwar ir-Registru Pubbliku. Kap 56.

14. Fl-artikolu 2 tal-Att prinċipali, minflok il-kliem "Uffiċċju ta' Registru Pubbliku fil-Belt Valletta (Malta) u ieħor f'Victoria (Għawdex)", għandhom jidhlu l-kliem "Uffiċċju ta' Registru Pubbliku f'Malta u ieħor f'Għawdex".

Emenda tal-artikolu 2 tal-Att prinċipali.

15. Fis-subartikolu (2) tal-artikolu 3 tal-Att prinċipali, minflok il-kliem "Fl-Uffiċċju tar-Registru Pubbliku tal-Belt Valletta (Malta)" għandhom jidhlu l-kliem "Fl-Uffiċċju tar-Registru Pubbliku ta' Malta".

Emenda tal-artikolu 3 tal-Att prinċipali.

16. L-artikolu 4 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 4 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "Fl-Uffiċċju tal-Belt Valletta (Malta)" għandhom jidhlu l-kliem "Fl-Uffiċċju ta' Malta";

(b) fis-subartikolu (2) tiegħu, minflok il-kliem "fl-Uffiċċju tal-Belt Valletta (Malta)", għandhom jidhlu l-kliem "fl-Uffiċċju ta' Malta";

(ċ) fis-subartikolu (3) tiegħu minflok il-kliem "Fl-Uffiċċju ta' Victoria (Għawdex)", għandhom jidhlu l-kliem "Fl-Uffiċċju ta' Għawdex"; u

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(d) fis-subartikolu (4) tiegħu minflok il-kliem "Isiru wkoll fl-Uffiċċju ta' Victoria (Għawdex)", għandhom jidhlu l-kliem "Isiru wkoll fl-Uffiċċju ta' Għawdex".

Emenda tal-
artikolu 25 tal-
Att prinċipali.

17. L-artikolu 25 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "Id-Direttur tal-Uffiċċju Victoria (Għawdex) għandu jibgħat lid-Direttur tal-Uffiċċju tal-Belt Valletta (Malta)" għandhom jidhlu l-kliem "Id-Direttur tal-Uffiċċju t'Għawdex għandu jibgħat lid-Direttur tal-Uffiċċju ta' Malta" u minflok il-kliem "fl-Uffiċċju ta' Victoria (Għawdex)" għandhom jidhlu l-kliem "fl-Uffiċċju ta' Għawdex"; u

(b) fis-subartikolu (3) tiegħu minflok il-kliem "Id-Direttur tal-Uffiċċju ta' Victoria (Għawdex) għandu jibgħat ukoll lid-Direttur tal-Uffiċċju tal-Belt Valletta (Malta)" għandhom jidhlu l-kliem "Id-Direttur tal-Uffiċċju ta' Għawdex għandu jibgħat ukoll lid-Direttur tal-Uffiċċju ta' Malta".

Emenda tal-
artikolu 29 tal-
Att prinċipali.

18. L-artikolu 29 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "Id-Direttur tal-Uffiċċju tal-Belt Valletta (Malta) għandu jsemmi għalihom, fiċ-ċertifikati mogħtijin minnu taħt id-dispożizzjonijiet tal-artikolu ta' qabel dan l-iskrizzjonijiet magħmulin fl-Uffiċċju ta' Victoria (Għawdex)", għandhom jidhlu l-kliem "Id-Direttur tal-Uffiċċju ta' Malta għandu jsemmi għalihom, fiċ-ċertifikati mogħtija minnu taħt id-dispożizzjonijiet tal-artikolu ta' qabel dan l-iskrizzjonijiet magħmulin fl-Uffiċċju ta' Għawdex"; u

(b) is-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(2) Id-Direttur tal-Uffiċċju ta' Għawdex għandu dejjem, fiċ-ċertifikati tiegħu, jagħmel twissija li jista' jkun illi hemm iskrizzjonijiet fl-Uffiċċju ta' Malta kontra l-persuna msemmija fit-talba."

Ghanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz huwa li jipprovdi għall-possibbiltà ta' rilokazzjoni tal-uffiċċji tar-Registru Pubbliku f'Malta u Għawdex. L-għan ta' dan l-Abbozz ta' Ligi huwa wkoll sabiex tiġi simplifikata, meta jittiehdu in konsiderazzjoni l-mezzi elettronici disponibbli għall-pubbliku, in-notifikazzjoni tat-twelid ta' tarbija kif ukoll in-notifiki tal-mewt. L-Abbozz jahseb għal notifikazzjoni tat-trabi b'mod elettroniku, liema notifikazzjoni jkollha l-istess effett tan-notifikazzjoni li ssir billi ġenitur jaċċedi personalment sabiex jagħmel tali notifikazzjoni. L-Abbozz jahseb ukoll għan-notifika tal-mewt b'mod elettroniku liema notifika jkollha l-istess effett tan-notifika li ssir billi persuna taċċedi personalment sabiex tagħmel tali notifika.

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**A BILL
entitled**

AN ACT to amend the Civil Code, Cap. 16 and the Public Registry Act, Cap. 56, to provide for the possibility of relocation of the offices of the Public Registry in Malta and Gozo.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this Parliament assembled, and by the authority of the same as follows:-

Short title. **1.** The short title of this Act is the Various Laws (Relocation of Offices and Notification by Electronic Means) Act, 2018.

**PART I
Amendments to the Civil Code**

Amendments to the Civil Code. Cap 16. **2.** This Part amends the Civil Code, and it shall be read and construed as one with the Civil Code, hereinafter in this part referred to as "the Code".

Amendment of article 239 of the Code. **3.** In sub-article (3) of article 239 of the Code for the words "in the Electronic Commerce Act." there shall be substituted the words "in Regulation (EU) No 910/1014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market."

Amendment of article 251 of the Code. **4.** In sub-article (1) of article 251 of the Code for the words "as defined in the Electronic Commerce Act" there shall be substituted the words "as defined in Regulation (EU) No 910/1014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market,".

5. In sub-article (1) of article 252 of the Code for the words "as defined in the Electronic Commerce Act," there shall be substituted the words "signed as defined in Regulation (EU) No 910/1014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market".

Amendment of article 252 of the Code.

6. In article 274 of the Code, immediately after the words "by the person giving notice," there shall be added the words "by electronic means".

Amendment of article 274 of the Code.

7. In article 276 of the Code for the words "the said particulars." there shall be substituted the words "the said particulars:", and immediately thereafter there shall be added the following new *provisos*:

Amendment of article 276 of the Code.

"Provided that in the case where such notice is given by electronic means by the parents of the child, the officer shall not require the parents to attend his office to make the declaration respecting the said particulars:

Provided further that, notwithstanding anything found in this article, the officer may, in any case as he deems fit, require the parents to attend his office."

8. In article 282 of the Code for the words "drawing up the act." there shall be substituted the words "drawing up the act:", and immediately thereafter there shall be added the following new proviso:

Amendment of article 282 of the Code.

"Provided that in the case that the said particulars are given by electronic means, this sub-article shall not apply."

9. In sub-article 2 of article 285 of the Code for the words "to the officer charged with the drawing up of the acts of birth in Valletta", there shall be substituted the words "to the officer charged with the drawing up of the acts of birth in Malta".

Amendment of article 285 of the Code.

10. Article 296 of the Code shall be amended as follows:

Amendment of article 296 of the Code.

(a) in sub-article (1) thereof for the words "in the Electronic Commerce Act," there shall be substituted the words "in Regulation (EU) No 910/1014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market,"; and

(b) in sub-article (2) thereof for the words "above-mentioned." there shall be substituted the words "above-mentioned or such notice may be delivered by electronic

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means.".

Amendment of
article 297 of
the Code.

11. In article 297 of the Code for the words "to give notice of such death." there shall be substituted the words "to give notice of such death:", and immediately thereafter there shall be added the following new proviso:

"Provided that such notice may be given either by its delivery, by any person, to the officer referred to in article 296(1) or by its being delivered by electronic means".

Amendment of
article 304 of
the Code.

12. Sub-article (2) of article 304 of the Code shall be substituted by the following:

"(2) Upon the arrival of such vessel in Malta, the Authority for Transport in Malta shall transmit a copy of such entry to the officer in charge with the drawing up of the acts of death in Malta, who shall forthwith draw up the act of death of such person:

Provided that such notice may also be delivered by electronic means.".

PART II

Amendments to the Public Registry Act

Amendments to
the Public
Registry Act.
Cap 56.

13. This Part amends the Public Registry Act, and it shall be read and construed as one with the Public Registry Act, hereinafter in this part referred to as "the principal Act".

Amendment of
article 2 of the
principal Act.

14. In article 2 of the principal Act, for the words "a Public Registry Office in the city of Valletta (Malta) and another in the city of Victoria (Gozo)", there shall be substituted the words "a Public Registry Office in Malta and another in Gozo".

Amendment of
article 3 of the
principal Act.

15. In sub-article (2) of article 3 of the principal Act, for the words "In the Public Registry Office of Valletta (Malta)", there shall be substituted the words "The Public Registry Office of Malta".

Amendment of
article 4 of the
principal Act.

16. Article 4 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, for the words "In the office of Valletta (Malta)", there shall be substituted the words "In the office of Malta";

(b) in sub-article (2) thereof, for the words "in the said office of Valletta (Malta)", there shall be substituted the words "in the said office of Malta";

(c) in sub-article (3) thereof for the words "In the office of Victoria (Gozo)", there shall be substituted the words "In the office of Gozo"; and

(d) in sub-article (4) thereof for the words "There shall also be made in the said office of Victoria (Gozo)", there shall be substituted the words "There shall also be made in the said office of Gozo";

17. Article 25 of the principal Act shall be amended as follows:

Amendment of
article 25 of the
principal Act.

(a) in sub-article (1) thereof for the words "The Director of the Victoria (Gozo) office shall transmit to the Director of the Valletta (Malta) office", there shall be substituted the words "The Director of the Gozo office shall transmit to the Director of the Malta office" and for the words "shall have been entered in the Victoria (Gozo) office", there shall be substituted the words "shall have been entered in the Gozo office"; and

(b) in sub-article (3) thereof for the words "The Director of the Victoria (Gozo) office shall also transmit to the Director of the Valletta (Malta) office", there shall be substituted the words "The Director of the Gozo office shall also transmit to the Director of the Malta office".

18. Article 29 of the principal Act shall be amended as follows:

Amendment of
article 29 of the
principal Act.

(a) in sub-article (1) thereof for the words "The Director of the Valletta (Malta) Office shall mention, separately, in the certificates given out by him under the provisions of the foregoing articles, the entries made in the Victoria (Gozo) Office", there shall be substituted the words "The Director of the Malta Office shall mention, separately, in the certificates given out by him under the provisions of the foregoing articles, the entries made in the Gozo Office"; and

(b) sub-article (2) thereof shall be substituted by the following:

"(2) The Director of the Gozo Office shall in all cases include in his certificate a statement as to the possibility of the existence of entries in the Malta Office under the name of the individual designated in the application".

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Objects and Reasons

The objects and reasons of this Bill is to provide for the possibility of relocation of the offices of the Public Registry in Malta and Gozo. The Bill also aims to simplify, taking into account the electronic means available to the public, the notification of the birth of a child as well as notifications of death. The Bill provides for electronic notification, which notification shall have the same effect of the notification that is done by the parents attending personally to make such notification. The Bill also provides the electronic notification of death, which notification shall have the same effect of the notification that is done by a person attending personally to make such notification.