

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 20,106, 18 ta' Diċembru, 2018
Taqsim A

MALTA

ATT Nru XLIII tal-2018

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

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

ACT No. XLIII of 2018

AN ACT enacted by the Parliament of Malta.

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.

Nagħti l-kunsens tiegħi.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

18 ta' Diċembru, 2018

ATT Nru XLIII tal-2018

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 Għawdex.

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

**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.

A 2112

Emenda tal-artikolu 239 tal-Kodiċi.

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 910/2014 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 251 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 910/2014 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 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 910/2014 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 jidhirlu, 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 ġej:

"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".

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

Emenda tal-artikolu 296 tal-Kodiċi.

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

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:" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

Emenda tal-artikolu 297 tal-Kodiċi.

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

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:

Iżda tali nota tista' wkoll titwassal b'mezzi elettroniċi".

TAQSIMA II

Emendi għall-Att dwar ir-Registru Pubbliku

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

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Emenda tal-
artikolu 4 tal-
Att prinċipali.

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

(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

(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 taht l-isem tal-persuna msemmija fit-talba."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 181 tat-12 ta' Diċembru, 2018.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

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I assent.

(L.S.)

**MARIE-LOUISE
COLEIRO PRECA
President**

18th December, 2018

ACT No. XLIII of 2018

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) (Amendment) 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".

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. 910/2014 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 239 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. 910/2014 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.

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. 910/2014 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 sub-article (1) of 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

Amendment of article 285 of the Code.

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drawing up of the acts of birth in Malta".

Amendment of
article 296 of
the Code.

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

(a) in sub-article (1) thereof for the words "in the Electronic Commerce Act," there shall be substituted the words "in Regulation (EU) No. 910/2014 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 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 it 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".

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 3 of the principal Act.

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

Amendment of article 4 of the principal Act.

(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

A 2120

(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."

Passed by the House of Representatives at Sitting No. 181 of the 12th December, 2018.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives