

## ABBOZZ TA' LIĠI msejjah

*ATT biex jemenda diversi liġijiet li għandhom x'jaqsmu ma' materji ċivili.*

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

**1.** (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att ta' l-2008 li jemenda Diversi Liġijiet li jirrigwardaw Materji Ċivili (Emenda Nru. 2).

Titolu fil-qosor u bidu fis-sehh.

(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data li l-Ministru responsabbli għall-ġustizzja jista' jistabilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti u għal skopijiet differenti ta' dan l-Att.

### TAQSIMA I

**2.** Din it-Taqsima temenda l-Kodiċi Ċivili, u għandha tinqara u tinftiehem haġa waħda mal-Kodiċi Ċivili, hawnhekk iżjed 'il quddiem f'din it-Taqsima imsejjah "il-Kodiċi".

Emendi tal-Kodiċi Ċivili. Kap. 16.

**3.** Is-subartikolu (4) ta' l-artikolu 1322 tal-Kodiċi għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

Emenda ta' l-artikolu 1322 tal-Kodiċi.

Kap. 370.

"(4) Il-flus kollha depożitati f'bank u kull strument ta' investiment, kif imfisser fit-Tieni Skeda ta' l-Att dwar Servizzi ta' Investiment, għall-kreditu ta' persuna miżżewġa jistgħu jkunu rtirati biss minn dik il-persuna mingħajr ma ssir ebda riċerka jekk dawk il-flus jew dawk l-istrumenti ta' investiment humiex tal-komunjoni ta' l-akkwisti jew le."

**4.** L-artikolu 2010 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 2010 tal-Kodiċi.

(a) minflok il-kliem "Il-kredituri privileġġati fuq l-immobbli huma" għandhom jidhlu l-kliem "Il-kredituri privileġġati fuq l-immobbli u fuq il-ħwejjeġ mobbli huma"

(b) fit-tielet paragrafu tal-paragrafu (b) tiegħu, minflok il-kliem "fuq l-immobbli li minnu ġie spussessat, għat-tiswijiet u l-benefikati magħmulin fih", għandhom jidhlu l-kliem "fuq l-immobbli jew il-ħwejjeġ mobbli li minnhom ġie spussessat, għat-tiswijiet u l-benefikati magħmulin fihom"; u

(ċ) fir-raba' paragrafu tal-paragrafu (b) tiegħu, minflok il-kliem "meħtieġa sabiex l-immobbli jinżamm fi stat tajjeb, iġhodd għas-somma kollha tal-kreditu; f'kull każ ieħor, iġhodd sas-somma biss taż-żjieda fil-valur ta' l-immobbli", għandhom jidhlu l-kliem "meħtieġa sabiex l-immobbli jew il-ħwejjeġ mobbli jinżammu fi stat tajjeb, iġhodd għas-somma kollha tal-kreditu; f'kull każ ieħor, iġhodd sas-somma biss taż-żjieda fil-valur ta' l-immobbli jew tal-ħwejjeġ mobbli".

Emenda ta' l-artikolu 2069 tal-Kodiċi.

5. Fl-artikolu 2069 tal-Kodiċi, minflok il-kliem "izommu fuq l-immobbli" għandhom jidhlu l-kliem "izommu fuq l-immobbli jew fuq il-ħwejjeġ mobbli", u minflok il-kliem "ikunu għand min ikunu għaddew dawn il-beni" għandhom jidhlu l-kliem "ikunu għand min ikunu għaddew dawn il-beni jew il-ħwejjeġ mobbli".

Emenda ta' l-artikolu 2071 tal-Kodiċi.

6. Fl-artikolu 2071 tal-Kodiċi, minflok il-kliem "l-immobbli suġġett għall-ipoteka" għandhom jidhlu l-kliem "l-immobbli jew il-ħwejjeġ mobbli suġġetti għall-ipoteka".

Emenda ta' l-artikolu 2072 tal-Kodiċi.

7. Is-subartikolu (1) ta' l-artikolu 2072 tal-Kodiċi għandu jiġi emendat kif ġej:

(a) minflok il-kliem "ma jitlaqx l-immobbli" għandhom jidhlu l-kliem "ma jitlaqx l-immobbli jew il-ħwejjeġ mobbli";

(b) minflok il-kliem "jista' jitlob bil-qorti l-bejgħ ta' l-immobbli" għandhom jidhlu l-kliem "jista' jitlob bil-qorti l-bejgħ ta' l-immobbli jew tal-ħwejjeġ mobbli"; u

(ċ) minflok il-kliem "jew jitlaq il-fond" għandhom jidhlu l-kliem "jew jitlaq il-fond jew il-ħwejjeġ mobbli".

Emenda ta' l-artikolu 2073 tal-Kodiċi.

8. Fl-artikolu 2073 tal-Kodiċi, minflok il-kliem "jagħmel oppożizzjoni għall-bejgħ tal-fond li tiegħu jkollu l-pussess" għandhom jidhlu l-kliem "jagħmel oppożizzjoni għall-bejgħ tal-fond jew tal-ħwejjeġ mobbli li tagħhom ikollu l-pussess".

**9.** Fl-artikolu 2074 tal-Kodiċi, minflok il-kliem "jew ipoteka speċjali fuq l-immobbli" għandhom jidhlu l-kliem "jew ipoteka speċjali fuq l-immobbli jew fuq il-ħwejjeġ mobbli".

Emenda ta' l-artikolu 2074 tal-Kodiċi.

**10.** L-artikolu 2075 tal-Kodiċi għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 2075 tal-Kodiċi.

(a) minflok il-kliem "magħmulin fil-fond" għandhom jidhlu l-kliem "magħmulin fil-fond jew fil-ħwejjeġ mobbli";

(b) minflok il-kliem "ikun jaqbeż il-valur effettiv tal-fond" għandhom jidhlu l-kliem "ikun jaqbeż il-valur effettiv tal-fond jew tal-ħwejjeġ mobbli";

(ċ) minflok il-kliem "li jhallas il-valur effettiv tal-fond" għandhom jidhlu l-kliem "li jhallas il-valur effettiv tal-fond jew tal-ħwejjeġ mobbli"; u

(d) minflok il-kliem "jew li jitlaq il-fond" għandhom jidhlu l-kliem "jew li jitlaq il-fond jew il-ħwejjeġ mobbli".

**11.** Fl-artikolu 2076 tal-Kodiċi, minflok il-kliem "It-tluq tal-fond" għandhom jidhlu l-kliem "It-tluq tal-fond jew tal-ħwejjeġ mobbli".

Emenda ta' l-artikolu 2076 tal-Kodiċi.

**12.** Fl-artikolu 2077 tal-Kodiċi, minflok il-kliem "It-tluq tal-fond" għandhom jidhlu l-kliem "It-tluq tal-fond jew tal-ħwejjeġ mobbli", u minflok il-kliem "li jiehu l-fond lura billi jhallas id-dejn kollu u l-ispejjeż lanqas jekk il-fond ikun ġie mitluq" għandhom jidhlu l-kliem "li jiehu l-fond jew il-ħwejjeġ mobbli lura billi jhallas id-dejn kollu u l-ispejjeż lanqas jekk il-fond jew il-ħwejjeġ mobbli jkunu ġew mitluqa".

Emenda ta' l-artikolu 2077 tal-Kodiċi.

**13.** Fl-artikolu 2078 tal-Kodiċi, minflok il-kliem "It-tluq tal-fond" għandhom jidhlu l-kliem "It-tluq tal-fond jew tal-ħwejjeġ mobbli".

Emenda ta' l-artikolu 2078 tal-Kodiċi.

**14.** Fl-artikolu 2082 tal-Kodiċi, minflok il-kliem "fuq l-immobbli mitluq jew mibjugħ" għandhom jidhlu l-kliem "fuq l-immobbli jew il-ħwejjeġ mobbli mitluqa jew mibjugħa".

Emenda ta' l-artikolu 2082 tal-Kodiċi.

## TAQSIMA II

**15.** Din it-Taqsima temenda l-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, u għandha tinqara u tintfiehmed haġa waħda mal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, hawnhekk iżjed 'il quddiem f'din it-Taqsima imsejjaħ "il-Kodiċi".

Emendi tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili. Kap. 12.

**16.** Fl-artikolu 833 tal-Kodiċi, minnufih wara l-kliem "jista' jingħata mir-reġistratur" għandhom jiżdiedu l-kliem "jew minn

Emenda ta' l-artikolu 833 tal-Kodiċi.

prokuratur legali maħtur bhala Kummissjunarju b'Setgħa li jagħti Ġurament".

Zieda ta' artikolu ġdid fil-Kodiċi.

**17.** Minnufih wara l-artikolu 833 tal-Kodiċi, għandu jiżdied l-artikolu ġdid li ġej:

"Prezentata ta' manadati kawtelatorji flimkien ma' l-ittra uffiċjali.

833A. Meta tiġi prezentata u konfermata bil-ġurament ittra uffiċjali eżekuttiva skond l-artikolu 166A, jistgħu minnufih wara jiġu prezentati u konfermati bil-ġurament il-mandati kawtelatorji msemmijin fl-artikolu 830(1)(a), (b), (ċ) u (e):

Iżda meta tiġi prezentata dik l-ittra uffiċjali eżekuttiva, ir-rikorrent għandu jippreżenta rikors fi żmien għoxrin ġurnata mid-data tal-prezentata ta' nota ta' kontestazzjoni shiħa jew parzjali jew fi żmien sittin ġurnata mid-data tal-ħruġ ta' mandat, skond liema data tiġi l-ewwel."

Emenda ta' l-artikolu 875 tal-Kodiċi.

**18.** Fis-subartikolu (3) ta' l-artikolu 875 tal-Kodiċi, minnufih wara l-kliem "u maħluf il-mandat" għandhom jiżdiedu l-kliem "u partijiet ġew debitament notifikati".

### TAQSIMA III

Emendi ta' l-Att ta' l-2005 li jemenda l-Att dwar ir-Rifuġjati. Att XVII ta' l-2005.

**19.** Din it-Taqsima temenda l-Att ta' l-2005 li jemenda l-Att dwar ir-Rifuġjati, u għandha tinqara u tinftiehem haġa waħda ma' l-Att ta' l-2005 li jemenda l-dwar ir-Rifuġjati, hawnhekk iżjed 'il quddiem f'din it-Taqsima imsejjaħ "l-Att prinċipali".

Thassir ta' l-artikoli 2, 5 u 6 ta' l-Att prinċipali.

**20.** L-artikoli 2 sa 6 (it-tnejn inklużi) ta' l-Att prinċipali għandhom jithassru.

Emenda ta' l-artikolu 7 ta' l-Att prinċipali.

**21.** L-artikolu 7 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok in-nota marginali tiegħu, għandha tidhol in-nota marginali ġdida li ġejja:

"Emenda ta' l-Att dwar l-Immigrazzjoni. Kap. 217.";

(b) minflok il-kliem "Minnufih wara l-artikolu 19 ta' l-Att prinċipali għandu jidhol dan l-artikolu 19A ġdid li ġej", għandhom jidhlu l-kliem "Minnufih wara s-subartikolu (2) ta' l-artikolu 34 ta' l-Att dwar l-Immigrazzjoni għandhom jiżdiedu ż-żewġ subartikoli godda li ġejjin";

(ċ) minflok iċ-ċifra "19A" fl-artikolu li kekku jiżdied, kif maħsub oriġinarjament, għandha tidhol iċ-ċifra "(3)"; u dak l-artikolu issa għandu jiżdied bħala s-subartikolu (3) ta' l-artikolu 34 ta' l-Att dwar l-Immigrazzjoni; u

(d) minnufih wara s-subartikolu (3) ġdid, kif miżjud bil-paragrafu (ċ) ta' dan l-artikolu, għandu jiżdied is-subartikolu ġdid li ġej:

"(4) Il-Ministru jista' wkoll jagħmel regolamenti biex jistabbilixxi korp magħqud jew mhux magħqud li jkun responsabbli għall-akkomodazzjoni f'ċentri miftuħa ta' akkoljenza ta' persuni li jikkwalifikaw għal dik l-akkomodazzjoni taħt id-disposizzjonijiet ta' l-Att dwar ir-Rifuġjati, jew taħt regolamenti magħmulin taħtu, u mingħajr preġudizzju għall-generalità ta' dak hawn qabel imsemmi, dawk ir-regolamenti jistgħu jkunu jipprovdu dwar kull haġa li tkun tirrigwarda l-funzjonijiet, il-finanzjament, il-persunal, l-organizzazzjoni u l-amministrazzjoni ta' korp bħal dak kif ukoll dwar kull haġa oħra li l-Ministru iqis li tkun meħtieġa jew spedjenti biex dak il-korp ikun jista' jwettaq il-funzjonijiet tiegħu taħt ir-regolamenti u għal kull għan iehor konsegwenzjali jew anċillari għal dak hawn qabel imsemmi."

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### **Għanijiet u Raġunijiet**

L-għanijiet ta' dan l-Abbozz huma biex id-disposizzjonijiet ta' l-artikoli emendati tal-Kodiċi Ċivili jiġu estenzi għal hwejjeġ mobbli, u biex jintroduċi aktar emendi fil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili u fl-Att ta' l-2005 li jemenda l-Att dwar ir-Rifuġjati, qabel ma dan l-Att li jemenda jidhol fis-seħħ.

**A BILL  
entitled**

*AN ACT to amend various laws relating to civil matters.*

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:-

Short title and commencement.

**1.** (1) The short title of this Act is the Various Laws (Civil Matters) (Amendment No. 2) Act, 2008.

(2) This Act shall come into force on such date as the Minister responsible for justice may by notice in the Gazette appoint, and different dates may be so appointed for different purposes and for different provisions of this Act.

**PART I**

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 1322 of the Code.

**3.** Subarticle (4) of article 1322 of the Code shall be substituted by the following new subarticle:

Cap. 370. "(4) Any money deposited in a bank and any investment instrument, as defined in the Second Schedule of the Investment Services Act, to the credit of a married person may only be withdrawn by such married person and it shall not be enquired whether such money or investment instrument belongs to the community of acquests or not."

Amendment of article 2010 of the Code.

**4.** Article 2010 of the Code shall be amended as follows:

(a) for the words "The privileged creditors over immovables are" there shall be substituted the words "The privileged creditors over immovables or movables are";

(b) in the third paragraph of paragraph (b) thereof, for the words "over the immovable of which he has been dispossessed, for the repairs and improvements made in or on such immovable" there shall be substituted the words "over the immovable or movable of which he has been dispossessed, for the repairs and improvements made in or on such immovable or movable"; and

(c) in the fourth paragraph of paragraph (b) thereof, for the words "for the preservation of the immovable extends to the whole amount of the debt; in any other case, it is limited to the sum corresponding to the increase in the value of the immovable" there shall be substituted the words "for the preservation of the immovable or movable extends to the whole amount of the debt; in any other case, it is limited to the sum corresponding to the increase in the value of the immovable or movable".

**5.** In article 2069 of the Code, for the words "retain over the immovables" there shall be substituted the words "retain over the immovables or movables", and for the words "into whosoever hands such immovables may pass" there shall be substituted the words "into whosoever hands such immovables or movables may pass".

Amendment of article 2069 of the Code.

**6.** In article 2071 of the Code, for the words "the immovable charged with the hypothec" there shall be substituted the words "the immovable or movable charged with the hypothec".

Amendment of article 2071 of the Code.

**7.** Subarticle (1) of article 2072 of the Code shall be amended as follows:

Amendment of article 2072 of the Code.

(a) for the words "fails to surrender the immovable" there shall be substituted the words "fails to surrender the immovable or movable";

(b) for the words "to demand judicially the sale of the immovable" there shall be substituted the words "to demand judicially the sale of the immovable or movable"; and

(c) for the words "or to surrender the immovable" there shall be substituted the words "or to surrender the immovable or movable".

**8.** In article 2073 of the Code, for the words "oppose the sale of the immovable" there shall be substituted the words "oppose the sale of the immovable or movable".

Amendment of article 2073 of the Code.

Amendment of article 2074 of the Code.

**9.** In article 2074 of the Code, for the words "or special hypothec over the immovable" there shall be substituted the words "or special hypothec over the immovable or movable".

Amendment of article 2075 of the Code.

**10.** Article 2075 of the Code shall be amended as follows:

(a) for the words "made in or on the tenement" there shall be substituted the words "made in or on the tenement or movable";

(b) for the words "exceeds the actual value of the immovable" there shall be substituted the words "exceeds the actual value of the immovable or movable";

(c) for the words "to pay the actual value of the immovable" there shall be substituted the words "to pay the actual value of the immovable or movable"; and

(d) or the words "or to surrender the immovable" there shall be substituted the words "or to surrender the immovable or movable".

Amendment of article 2076 of the Code.

**11.** In article 2076 of the Code, for the words "The surrender of an immovable" there shall be substituted the words "The surrender of an immovable or of a movable".

Amendment of article 2077 of the Code.

**12.** In article 2077 of the Code, for the words "The surrender of the immovable" there shall be substituted the words "The surrender of the immovable or of the movable", and for the words "from taking back the immovable on paying the whole debt and the costs, even though the surrender" there shall be substituted the words "from taking back the immovable or the movable on paying the whole debt and the costs, even though the surrender".

Amendment of article 2078 of the Code.

**13.** In article 2078 of the Code, for the words "The surrender of the immovable" there shall be substituted the words "The surrender of the immovable or of the movable".

Amendment of article 2082 of the Code.

**14.** In article 2082 of the Code, for the words "over the immovable surrendered or sold" there shall be substituted the words "over the immovable or the movable surrendered or sold".

## PART II

Amendments to the Code of Organization and Civil Procedure. Cap. 12.

**15.** This Part amends the Code of Organization and Civil Procedure and it shall be read and construed as one with the Code of Organization and Civil Procedure, hereinafter in this Part referred to as "the Code".

**16.** In article 833 of the Code, immediately after the words "may be administered by the registrar" there shall be added the words "or by a legal procurator appointed as Commissioner for Oaths under the Commissioner for Oaths Ordinance".

Amendment of article 833 of the Code.

**17.** Immediately after article 833 of the Code, there shall be added the following new article:

Addition of new article to the Code.

"Filing of precautionary warrants with judicial letter.

833A. Where an executive judicial letter is filed and sworn according to article 166A, there may also thereupon be sworn and filed the precautionary warrants referred to in article 830(1)(a), (b), (c) and (e):

Provided that when such executive judicial letter is filed, the applicant shall file an application within twenty days from the date of filing of a full or partial note of contestation or within sixty days from the date of the issuing of a warrant, according to which date first occurs."

**18.** In subarticle (3) of article 875 of the Code, immediately after the words "and confirmed on oath" there shall be added the words "and the parties have been duly notified".

Amendment of article 875 of the Code.

### PART III

**19.** This Part amends the Refugees (Amendment) Act, 2005, and it shall be read and construed as one with the Refugees (Amendment) Act, 2005, hereinafter in this Part referred to as "the principal Act".

Amendments to the Refugees (Amendment) Act, 2005. Act XVII of 2005.

**20.** Articles 2 to 6 (both inclusive) of the principal Act shall be deleted.

Deletion of articles 2, 5 and 6 of the principal Act.

**21.** Article 7 of the principal Act shall be amended as follows:

Amendment of article 7 of the principal Act.

(a) for the marginal note thereof, there shall be substituted the following new marginal note:

"Amendment of the Immigration Act. Cap. 217.";

(b) for the words "Immediately after article 19 of the principal Act there shall be inserted the following new article 19A", there shall be substituted the words "Immediately after subarticle (2) of article 34 of the Immigration Act there shall be added the following new subarticles";

(c) for the figure "19A" in the article to be added, as

originally intended, there shall be substituted the figure "(3)"; and the said article shall now be added as subarticle (3) of article 34 of the Immigration Act; and

(d) immediately after the new subarticle (3), as added by paragraph (c) hereof, there shall be added the following new subarticle:

"(4) The Minister may also make regulations to establish a body corporate or unincorporate which shall be responsible for the accommodation in open reception centres of persons who qualify for such accommodation under the provisions of the Refugees Act, or regulations made thereunder, and without prejudice to the generality of the aforesaid, such regulations may make provision for any matter whatsoever concerning the functions, funding, staffing, organization and administration of such body as well as for any other matter deemed necessary or expedient by the Minister to enable that body to carry out its functions under the regulations and for any other purpose consequential or ancillary to the aforesaid."

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### **Objects and Reasons**

The objects of this Bill are to extend to movables, besides immovables, the provisions of the amended articles of the Civil Code, and to introduce further amendments to the Code of Organization and Civil Procedure and to the Refugees (Amendment) Act, 2005, prior to the said amending Act coming into force.