

Memorandum by the Minister of Justice

## The Public Registry (Amendment) Bill

The Public Registry Act provides that every note filed in the Public Registry, for the registration of any ~~course~~ <sup>course</sup> of preference or for the enrolment of acts received by notaries, is to be registered within fifteen working days from the date when it is filed and that the Director of the Public Registry is to affix his signature at the foot of the registration of every note.

The number of notes for enrolment and of notes for registration of hypothecs filed in the Public Registry has increased from 8,208 in 1927 to 17,437 in 1960. In view of this increase, it has become practically impossible for the staff of the Public Registry to transcribe notes in the register within the said period of fifteen working days: moreover, the necessity of the Director having to sign each and every transcription has become cumbersome and time wasting.

It is, therefore, proposed to amend the said Act (i) by extending to three months the period within which notes are to be transcribed in the register and (ii) by substituting, for the provision which requires the Director of the Public Registry to sign every entry transcribed in the register, a new provision requiring the Director to make a declaration, which he will date and sign, on the last page of each register to the effect that the registrations contained therein are true copies of the original notes to which they refer. The former amendment does in no way affect the substance of the law since, in any case, the law already provides that every note shall be deemed for all legal purposes to have been registered on the day on which it was received by the Director. The latter amendment corresponds to a similar amendment which was made by virtue of Ordinance No. XX of 1934 to section 283 of the Civil Code (then section 285 "Delle Persone") relating to the registration of acts of civil status.

The Bill contains other consequential amendments, but the present opportunity has been availed of in order to

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impose expressly on the Director of Public Registry the obligation, which under section 277 (1) of the Civil Code already exists in regard to acts of civil status received by him, to sign every note received for registration or enrolment: this is essential for the purpose of establishing the authenticity of the notes filed in the Public Registry and has actually been done in practice at all times.

Hon. Ministers are invited to approve that the Bill be introduced in the Assembly.

6th May, 1963.

A BILL  
entitled

AN ACT further to amend the Public Registry Act, Cap. 93.

ENACTED by the Legislature of Malta:-

Short title.

1. This Act may be cited as the Public Registry (Amendment) Act, 1963, and shall be read and construed as one with the Public Registry Act, hereinafter referred to as "the principal Act".

Amendment of section 13 of the principal Act.

2. Section 13 of the principal Act is amended by the deletion from subsection (1) of the words "the date of its receipt, and a progressive number" and the substitution of the words "a progressive number and the date of its receipt, and shall sign his name thereto".

Amendment of section 15 of the principal Act.

3. Section 15 of the principal Act is amended by the deletion of the words "fifteen working days" and the substitution of the words "three months".

Substitution of section 16 of the principal Act.

4. For section 16 of the principal Act there shall be substituted the following section:

"16. (1) Registration or enrolment is effected by transcribing the note in the register. It shall also include the date of the receipt and the progressive number of the note and the transcription of the signature of the Director.

(2) The register may be kept in several volumes, each of which may be reserved for one or more kinds of entries.

(3) The Director shall, on the last page of each volume of the register, make a declaration to the effect that the registrations therein contained are true copies of the original notes to which they refer.

(4) Such declaration shall be made, dated and signed by the Director within three months from the receipt of the last note entered in the volume."

Repeal of section 17 of the principal Act.

5. Section 17 of the principal Act is repealed.

Amendment of section 20 of the principal Act.

6. Section 20 of the principal Act is amended -

(a) by the insertion, in the beginning of subsection (1) thereof, of the words "Except as provided in subsection (1) of section 22";

(b) by the addition of the following new subsection:-

"(3) Any such correction shall be dated and signed by the Director."

Amendment of section 21 of the principal Act.

7. Section 21 of the principal Act is amended -

(a) by the renumbering of this section as subsection (1) of section 21;

(b) by the addition of the following new subsection:-

"(2) The annotation shall be dated and signed by the Director."

Amendment of section 22 of the principal Act.

8. Section 22 of the principal Act is amended -

(a) by the substitution of the following subsection for subsection (1):-

"(1) Where, before the declaration referred to in subsection (2) of section 16 is signed, it is found necessary to correct an error in the transcription of an entry, the Director shall make the correction by means of a note in the margin of such entry and any cancellation shall be so made as to leave the words cancelled clearly legible.";

(b) by the renumbering of subsection (2) as subsection (3);

(c) by the addition of the following new subsection:-

/"(2) .....

3.

"(2) Such correction shall be signed by the Director."

Objects and Reasons

The object of this Act is to simplify the proceedings of registration of notes filed in the Public Registry and to allow a longer period than the present one for the purpose of transcription of such notes in the register.