L.N. 261 of 2000

PUBLIC REGISTRY ACT
(CAP. 56)

Public Registry (Computerisation, Inspection and Searches) Regulations, 2000

IN exercise of the powers conferred by article 39 (1) of the Public Registry Act, the Minister for Home Affairs has made the following regulations:-

Citation and commencement.

1. (1) The title of these regulations is the Public Registry (Computerisation, Inspection and Searches) Regulations, 2000.

(2) These regulations shall come into force as follows:–

(a) all the provisions thereof, other than paragraphs (a), (d) and (e) of regulation 6(1) and paragraphs (a), (c) and (d) of regulation 6(5), on the 15th January, 2001;

(b) regulation 6(1)(d) and 6(5)(c) on the 5th March, 2001;

(c) regulation 6(1)(a) and 6(5)(a) on the 2nd April, 2001; and

(d) regulation 6(1)(e) and 6(5)(d) on the 4th June, 2001.

Interpretation.

2. In these regulations, unless the context otherwise requires –

"Act" means the Public Registry Act;

"Agent" means any person in the regular employment of a notary public or a representative of a Government Department, nominated for the purposes of these regulations;

"Agreement" means the Agreement relating to the computerisation programme of the Public Registry, signed between the Government of Malta and the Company on the 12th October, 1999 and laid on the Table of the House on the 19th October, 1999;

"applicant" means any person applying to inspect or to seek information from the record;

"appointed day" means the 15th January, 2001;

"company" means that company contracted by the Government and recognised by the Director as his delegates for the computerisation programme of the Public Registry and the word "company" shall also include any delegate of the company recognised by the Director;

"computerisation" means the computerisation of all records relating to enrolments and registrations presented in terms of articles 12 and 14 of the Act including also the computerisation of information, indexes, records, production of documents, lists and other information required by the Act and includes the storage and reproduction of the same in computer format or by any other mechanical means;

"Director" means the relevant Director appointed in virtue of article 3 of the Act;

"officer in charge" means an officer employed by the company for the purposes of these regulations;

"official search" includes an application for, or a certificate issued, in terms of these regulations and in terms of articles 26 and 28 of the Act, as well as the verification of any other searches issued before the appointed day;

"regular client" means that person who, or organization which, carries out regular business in terms of these regulations and is assigned an Applicant Code for the purpose of the Second Schedule hereof;

"records" includes indexes, notes, order books, lists, and registers, whether original or not and whether hand written, typed, microfilmed or reproduced by any other mechanical means or in computer format;

"researcher" means a person holding a warrant to exercise the notarial profession in terms of the Notarial Profession and Notarial Archives Act, a person holding the warrant of advocate or legal procurator in terms of the Code of Organization and Civil Procedure, an agent, as well as any person carrying out research for cultural, historical or educational purposes approved by the Director;

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"updating" means the bringing up to date of an official search issued up to ninety days prior to the submission of the request for its updating;

"verification" means the checking and certification of searches issued before the appointed day and includes the checking and certification of notes of reference in respect of particular notes of preference not forming part of an official search application.

Computerisation process.

3. (1) The company shall, on behalf of the Director, and under such directions as the Director may give, convert all manual indices, registers, notes and lists which are to be compiled in terms of the Act, or kept by the Public Registry under any other law, in such a way that the images and index database, purchased by the Government in terms of the Agreement, are augmented and supplemented on a regular basis.

(2) Any registration in compact disc or other computer format and, or the reproduction therefrom, whether in the print medium or other computer or mechanical output, shall be deemed to be a record kept in terms of the provisions of the Act.

(3) The indexes and lists mentioned in the Act as well as copies of any document or record filed in the Public Registry in accordance with the Act or produced in virtue of the same Act, may be computer-generated.

Inspection.

4. (1) Any researcher, not being a notary public, advocate or legal procurator, wishing to inspect the records, shall apply to the Director in terms of the First Schedule to these regulations, and the applicant whose application is accepted, shall be issued with a special card signifying the Director's acceptance of the application. Such card shall be valid for one calendar year form its date of issue.

(2) An inspection shall include the right to take down notes, in pencil and in one's own handwriting, or to request photocopies of the registers or notes, provided that the Director may give such directions as may be necessary to ensure that the inspection shall not interfere with the computerisation programme.

(3) The reproduction of records by electronic means and, or the taking of photographs thereof, is prohibited.

(4) No person may appoint more than two agents, but the same agent may be appointed by different persons.

Applications.

5. (1) The application forms in respect of an official search into transfers and liabilities, in respect of public wills, updating, or the verification of searches issued before the appointed day, shall be those specified in the Second Schedule to these regulations, as the case may be, and such application shall:

(a) be typewritten by mechanical and, or electronic means;

(b) be free from discoloration and blemishes; and

(c) be printed in A4 format and contain an indication whether any annexes are attached to the first page.

(2) Where it is necessary to remove, vary or add any words before the form is lodged, the person lodging that form shall make such variation or addition by means of a note at the end of the form; in any such case such person shall cancel the words which it is desired to remove or vary in such a manner as to leave the words so cancelled still legible, and shall make a note stating the number of words so cancelled or as the case may be, that other words are substituted for those cancelled inserting the new word or words immediately after the words so substituted; in the case of a mere addition of words, such person shall make a mark at the place where the addition is to be made and a note at the end of the form containing the expression "words added" and shall insert immediately thereafter the words to be added. Such notes are to be signed by all the parties signing the application.

(3) Following such arrangements as may be made with the Director, the applications mentioned in subregulation (1) hereof, may also be submitted in computer format and, or sent by telephonic or electronic means, in which case the provisions of subregulation (2) hereof shall *mutatis mutandis* apply.

(4) An application cannot be cancelled later than twenty-four hours after its submission.

Certification.

6. (1) The company shall, when an application is submitted to the Director in terms of these regulations, provide the Director with drafts, drawn up in accordance with the Act, of:

(a) certificates indicating enrolments relating to public wills enrolled in the name of the person on whom the search is carried out; or

(b) lists compiled from the indexes mentioned in article 24 of the Act or kept by the Public Registry under any other law, in which case the company shall also deliver a copy of the relative entries, including the updating of same, as well as the verification of searches issued before the appointed day, when so ordered by a court; or

(c) lists compiled from the indexes mentioned in article 24 of the Act or kept by the Public Registry under any other law, in

which case the company shall also deliver a copy of the relative entries, when so requested by any other person, except for the purposes of updating same; or

(d) lists compiled from the indexes mentioned in article 24 of the Act or kept by the Public Registry under any other law, in which case the company shall also deliver a copy of the relative entries, when so requested by any other person, for the purposes of updating same; and, or

(e) lists compiled from the indexes mentioned in article 24 of the Act or kept by the Public Registry under any other law, in which case the company shall also deliver a copy of the relative entries, when so requested by any other person, for the purposes of verifying searches issued before the appointed day.

(2) The officer in charge shall duly authenticate the draft and upon such authentication, the draft will be deemed authenticated by the company in terms of the Agreement.

(3) The Director shall endorse the drafts of the certificates, lists or copies mentioned in subregulation (1) of this regulation, unless there is sufficient reason to withhold such endorsement and on such an endorsement, the certificate, list or copy shall be deemed to have been compiled in terms of the Act, and for the purposes of the Act, each application shall have a unique order number which shall be reproduced in the certificate.

(4) Where an official search is required in terms of article 28 of the Act, and the applicant limits such search in respect of a particular property, the documents supplied by the Director, shall not be considered as a certificate in terms of these regulations or in terms of article 26 of the Act.

(5) The Director shall, unless circumstances otherwise require, make available the certificates within the times specified herein, but in no case earlier than two working days:

(a) in the case of a search into public wills, the certificate shall be ready or sent by post within seven working days;

(b) when the application is a new search, the certificate shall be made available within ten working days;

(c) when the application refers to an updating, the certificate shall be made available within three working days;

(d) when the application refers to verification of searches issued prior to the appointed day, the certificate, together with the lists and records submitted with the application in terms of the Second Schedule to these regulations, shall be made available within eighteen working days, so however that where the verification is limited to the checking and certification of notes of reference in respect of particular notes of preference not forming part of an official search application, the certificate shall be made available within seven working days.

(6) The time periods mentioned in the preceding paragraph shall commence from the day following the receipt of the application, but the Director may, on good cause being shown, not adhere to such time periods and shall in such case inform the applicant accordingly. Where the amount of entries within the same group, excluding common notes, exceeds thirty in number, this fact, in itself, constitutes a good cause for the purposes of this paragraph.

Fees.

7. (1) The fees payable shall be the fees shown in Section C in the First Schedule to the Act.

(2) Fees may be paid and transmitted by electronic means in terms of arrangements made with the Director.

(3) Payment shall be effected only when a certificate is issued, provided that:

(a) the full amount payable in respect of a request for a certificate relating to wills shall be paid on application; and

(b) in any case where the applicant is not a researcher or a regular client, a non-refundable charge of Lm6 shall be made with every application.

(4) The Director may refuse to process further applications when an applicant fails to pay for the official search on delivery of the service, provided that the Director may also issue a notice informing the applicant that until settlement of the amounts due is effected, a deposit of Lm100 shall be due on every new application submitted by the applicant or his agent. The said notice shall be sent by registered mail.

Repeals L.N. 193 of 1999.

8. The Public Registry (Computerisation) Regulations, 1999 are hereby repealed.

FIRST SCHEDULE

(Regulation 4)

REQUESTS

Name, surname, ID card number
Employment No. (in the case of an agent)
Why inspection is required
VAT number
Date of request

(FOR OFFICE USE)

Request accord
Fee paid
Permit Issued on
Valid up to

SECOND SCHEDULE

(Regulation 5)

A. (Transfers/Liabilities) – Firms

Searches re Firms

Company Name*	
Company Number	
Group Number[1]	
Remarks[2]	
Applicant Name *	
Applicant Code *[3]	

	From	**To**
Liabilities		
Transfers		
Ground-rent redemptions		

*Indicates that information must be submitted

[1]Applicable where applicant wishes to group a number of searches together.

[2]When applicant requests that search is to be limited "re property". In such a case, the provisions of regulation 6 (4) apply.

[3]When application is not submitted by a regular client, the Applicant Code need not be included.

B. (Transfers/Liabilities) – Individuals

Searches re Individuals

Surname*	
Name *	
Husband [1]	
Father * [1]	
Mother *	
Place of Birth *	
Group Number [2]	
Remarks [3]	
Applicant Name *	
Applicant Code * [4]	

	From	To
Liabilities		
Transfers		
Ground-rent redemptions		

* Indicates that information must be submitted

[1]Husband's name must be stated when search refers to a married woman, in which case, her maiden surname should also be indicated. Likewise, Father's name must, in this case, include the surname.

[2]Applicable where applicant wishes to group a number of searches together.

[3]When applicant requests that search is to be limited "re property". In such a case, the provisions of regulation 6 (4) apply.

[4]When application is not submitted by a regular client, the Applicant Code need not be included but enough information is to be inputted in order to identify the applicant.

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C. Searches into Wills

Searches re Individuals

Surname *		**From**	**To**
Name *		* (2)	* (3)
Husband[1]			
Father *[1]			
Mother *			
Place of Birth *			
Applicant's name and address*[4]			
Applicant Name [5]			
Applicant Code [5]			

* Indicates that information must be submitted

[1]Husband's name must be stated when search refers to a married woman, in which case, her maiden surname should also be indicated. Likewise, Father's name must, in this case, include the surname.
[2]See fees shown in Section C in the First Schedule to the Public Registry Act, Cap. 56. Other fees apply when "From" date antedates 1972.
[3]Date of death.
[4]Result will be mailed at this address.
[5]Only applies when application is submitted by a regular client and is to be collected by same.

D. Verification of Searches issued before the appointed day

Searches for verification

Applicant Name *	
Applicant Code[1]	
Group Number[2]	
List included *[3]	

* Indicates that information must be submitted.

[1]When application is not submitted by a regular client, the Applicant Code need not be included.

[2]Applicable where applicant wishes to group a number of searches together.

[3]When compiling the list, the applicant is to make use of the following Codes, or where the verification is limited to the checking and certification of notes of reference in respect of particular notes of preference not forming part of an official search application.

Codes to be used in compiling the list –

I - Enrolment
H - Privileges and hypothecs
GH - Gozo Notes of hypothecs
GI - Gozo Notes of Enrolment
CE - Redemption of ground rent
GPP - Warranty of Peaceful Possession
GCE - Gozo Redemption of ground rent
D/M - Different Maternity
D/P - Different Property
HR - Renewed Hypothecs
HL - Legal Hypothecs
R - References
S - Judicial Sales (the current year and previous two years)
P - Planning Authority
$ - Money Laundering
A - Order re *Inter Vivos* Alienation of Matrimonial Home
M - Prohibitory Injunction
E - Exclusion from Administration of Community of Acquests
N - Personal separation
D - Dangerous Drugs Ordinance, Cap. 101
C - Article 401 (1) (g) of the Companies Act, Cap. 386
Q - Change in surname in terms of article 4(5) of the Civil Code, Cap. 16

The applicant shall submit, together with the application, a list of the progressive numbers, including any references, that are to be verified.