

I assent.

(L.S.)

AGATHA BARBARA
President

26th April, 1985

ACT No. VII of 1985

AN ACT further to amend the Civil Code, Cap. 23.

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.

1. This Act may be cited as the Civil Code (Amendment) Act, 1985, and shall be read and construed as one with the Civil Code, hereinafter referred to as “the principal law”.

Amendment of
section 315 of
the principal
law.

2. Section 315 of the principal law shall be amended as follows:

(a) subsection (3) thereof shall be deleted;

(b) subsection (2) thereof shall be amended as follows:

(i) the present provision shall be renumbered subsection (3); and

(ii) for the words “In any such case” there shall be substituted the words “In any case referred to in subsections (1) and (2) of this section”; and

(c) immediately after subsection (1) thereof there shall be added the following new subsection:

“(2) In the case of an illegitimate child notice of whose birth has not been given, and the mother and her parents are dead or cannot be found, notice of the birth may at any time be given to the said officer by any person bound to give such

notice as heretofore, or by any person having an interest or by the child or its lawful representative and the said officer shall make a report thereon to one of the Visitors of notarial acts who shall cause a notice in the Form C in Part II of the Schedule to this Code to be published in the Gazette, calling upon any party interested to declare, within fifteen days from the publication of that notice, by means of a note, that he desires to contest such registration, and on the expiration of such period and after examining on oath any person whom he believes to be able to give correct information, whether such person shall have filed a note or otherwise, and following the examination of any documentary evidence that may be produced, shall, if satisfied that the maternity of the child has been established, order that the name and surname of the mother, together with such other particulars as are required under the provisions of the foregoing sections, be entered in the act of birth, and that the depositions taken be delivered, in original, to the Director together with the act.”.

3. Section 2120 of the principal law shall be amended as follows: Amendment of section 2120 of the principal law.
- (a) in subsection (2) thereof immediately after the words “in respect of the general hypothec” there shall be inserted the words “and in the case of debtors resulting from a public deed by means of a note signed by any notary public”; and

(b) immediately after subsection (2) thereof there shall be added the following new subsection:

“(3) Where the immovable property of the debtor over which is to be registered the special hypothec referred to in subsection (1) of this section is situated in an area declared to be a land registration area in accordance with the Land Registration Act, 1981, or is otherwise registered in accordance with the provisions of that Act, the right conferred by subsection (1) of this section shall be exercisable by the registration in accordance with that Act, of a charge or a cautionary charge as the case may be.”.

Act XXXV
of 1981

4. Immediately after Form B of Part II of the Schedule to the principal law there shall be added the following new Form C: Amendment of part II of the Schedule to the principal law.

"FORM C

(Section 315)

Registry of the Court of Revision of
Notarial Acts

.....: 19.....

Whereas AB has given notice of his birth/the birth of CD,
a child whose mother and maternal grandparents are
dead/cannot be found, claiming that he/the said CD was born on

..... at and that his
mother is a daughter of
born at on

Whoever may have an interest to oppose such registration, is
hereby called upon to do so, by means of a note filed in the above-
mentioned Registry within fifteen days from the date of publica-
tion of this notice.

Anybody who within the aforesaid time shall have filed such
note, shall be notified of the day appointed for hearing by the
undersigned Visitor who shall hear on oath every person in posses-
sion of information on the matter.

By order of the Court
E.F.

Visitor of Notarial Acts".

Passed by the House of Representatives at Sitting No. 245 of the 22nd April, 1985.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives