

SUBSIDIARY LEGISLATION 56.03**PUBLIC REGISTRY (INSPECTION AND
SEARCHES) REGULATIONS**

31st March, 2010

LEGAL NOTICE 278 of 2010 as amended by XXIII of 2017 and LXV of 2020.

1. The title of these regulations is the Public Registry (Inspection and Searches) Regulations. Citation.
2. In these regulations, unless the context otherwise requires - Interpretation.
"the Act" means the Public Registry Act; Cap. 56.
- "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;
- "applicant" means any person applying to inspect or to seek information from the records;
- "the Director" means the relevant Director appointed in virtue of article 3 of the Act;
- "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;
- "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;
- "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; Cap. 55.
- "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; Cap. 12.
- "verification" means the checking and certification of any searches 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.
3. (1) The Director, shall preserve all manual indices, Computerisation.

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, 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, 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 from 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 day to day operations.

(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.

(5) The Director may, by notice, establish the days when and times during which such inspection may be carried out.

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 any searches, shall be those specified in the Second Schedule hereto, as the case may be, and such application shall:

- (a) be typewritten by mechanical and, or electronic means;
- (b) be free from discolouration 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 sub-regulation (1) may also be submitted in computer format and, or sent by telephonic or electronic means, in which case the provisions of sub-regulation (2) shall *mutatis mutandis* apply.

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

(5) Applications may be submitted during such times as the Director may, by notice, establish in the Gazette, so however that where applicant makes use of electronic mail he will be entitled to submit the application even outside such established times, so however that the application shall, for the purpose of regulation 6(5), be deemed to have been submitted on the next following working day whenever the electronic mail is transmitted outside such established times.

(6) The Director is obliged to provide the applicant with an acknowledgement, and such acknowledgement, which may also be in electronic format, will constitute proof of the parameters that constitute the search.

6. (1) The Director shall, when an application is submitted in terms of these regulations, draw up drafts, 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 there shall also be delivered copies 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 there shall also be delivered copies 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 there shall also be delivered copies 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

Certification.
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of the Act or kept by the Public Registry under any other law, in which case the Director 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 manually or electronically 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 and repealing Directive 1999/93/EC, the draft and upon such authentication, the draft shall be deemed authenticated.

(3) The Director shall endorse the drafts of the certificates, lists or copies mentioned in sub-regulation (1), 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, or where the applicant requests that the search should not include records having the same search parameters as requested, but with different maternity, 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, the certificate, together with the lists and records submitted with the application in terms of the Second Schedule, 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;
- (e) any regular client may reach an arrangement with the Director whereby such regular client will be entitled to submit, on good cause being shown to the satisfaction of the Director, an application for a new search or for

updating, as referred to respectively in paragraphs (b) and (c), and when the regular client makes such a request, the Director may, notwithstanding what is stated in this sub-regulation, make available,

- (i) the new search within three working days; and
- (ii) a computer print-out of the lists, relating to a period of thirty days prior to two working days from date of order, compiled from the indexes, on the next following working day, or, where the request is made before 9.00 a.m., by noon of the same day, while the relative copies will be made available within two working days,

and in such case, the regular client shall pay double the total fees normally due, provided that where any period herein-mentioned is not respected, including those instances where the provisions of sub-regulation (6) apply, the regular client shall only pay the fee established in Section C of the First Schedule of the Public Registry Act, even if the search or updating is ready before any period mentioned in paragraphs (b) and (c).

Cap. 56.

(6) The time periods mentioned in the preceding subarticle 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 subarticle.

7. The Director may, by notice in the Gazette, designate special periods, not being more than three in number in each calendar year and each period not being longer than five consecutive working days, during which the time periods mentioned in regulation 6(5) shall, notwithstanding the provisions of the said sub-regulation, commence to run from the first working day following the said special period. The twenty-four hour period mentioned in regulation 5(4) shall likewise so commence.

Special periods.

8. (1) Any regular client ordering official searches via electronic mail, may reach an agreement with the Director whereby the Director binds himself to inform the applicant whenever the number of entries in the search result will probably exceed such number as may have been agreed, and in any such case, any search submitted by the applicant which exceeds the established number shall be held in abeyance for a maximum period of seven days from the date of application.

Applications held in abeyance.

(2) Where the applicant fails to confirm the order, the search application shall be deemed to have been withdrawn, but in such case the minimum application fee established in paragraph C1 of the First Schedule to the Act shall still be due.

(3) Where the order is confirmed within the seven-day period mentioned in sub-regulation (1) -

- (a) no additional fee shall be charged for such confirmation; and
- (b) the time periods mentioned in regulation 6(5) shall be deemed to commence from the date of such confirmation.

(4) Where such agreement is applicable, the twenty-four hour period mentioned in regulation 5(4) shall only apply after the submission of the order, but shall not apply following the confirmation mentioned in the preceding sub-regulation.

Fees.

9. (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 thirteen euro and ninety-eight cents (€13.98) 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 two hundred and thirty-two euro and ninety-four cents (€232.94) shall be due on every new application submitted by the applicant or his agent. The said notice shall be sent by registered mail.

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

Amended by:

LXV.2020.40.

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

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Transfers

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Ground-rent redemptions

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*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" or different maternity excluded, in so far as such exclusion is involved. 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.

Added by:
XXIII.2017.105.
Amended by:
LXV.2020.40.

BA. Schedule for individuals who have contracted marriage
 after the coming into force of the Marriage Act and other Laws
 (Amendment) Act

(Transfers/Liabilities) – Individuals

Searches re Individuals

Surname*
 Name*
 Spouse ⁽¹⁾
 Parent 1*(¹)
 Parent 2*(¹)
 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) Spouse's name must be stated when search refers to a married individual, in which case, the individual's surname at birth should also be indicated. Likewise, the name of the parents must, in this case, include the surname at birth and after marriage.
- (2) Applicable where applicant wishes to group a number of searches together.
- (3) When applicant requests that search is to be limited "re property" or different parenthood excluded, in so far as such exclusion is involved. 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.

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.

Added by:
XXIII.2017.105.
Amended by:
LXV.2020.40.

CA. Schedule for individuals who have contracted marriage after the coming into force of the Marriage Act and other Laws (Amendment) Act

Searches into Wills

Searches re Individuals

Surname*
Name*
Spouse ⁽¹⁾
Parent 1*(¹)
Parent 2*(¹)
Place of Birth*
Applicant's Name and address*⁽⁴⁾
Applicant Name ⁽⁵⁾
Applicant Code ⁽⁵⁾

	From	To
	(2)	(3)

* Indicates that information must be submitted

- (1) Spouse's name must be stated when search refers to a married individual, in which case, the individual's surname at birth should also be indicated. Likewise, the name of the parents must, in this case, include the surname at birth and after marriage.
- (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**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. Moreover, when applicant requests that search is to be limited “re property”, or different maternity is excluded, the provisions of regulation 6(4) shall apply.

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.