

CHAPTER 56

PUBLIC REGISTRY ACT

To repeal and to re-enact with amendments the law relating to the Public Registry.

12th May, 1927

ACT XII of 1927, as amended by Act IV of 1928; Ordinances: XXV of 1938, XL of 1939 and XXIV of 1940; Acts: XXIX of 1948 and VI of 1951; Legal Notice 4 of 1963; and Acts: XXV of 1963, III and XXIII of 1967, III of 1969, V of 1972, XI of 1973, VI of 1974, XXXV of 1979, XIII of 1983, XVII of 1984, XII and XXXI of 1986; Legal Notice 71 of 1987; Act XXXVII of 1988; Legal Notice 121 of 1993; Act III of 1994; Legal Notice 211 of 1997; Act IX of 2000; Legal Notices 262 of 2000, 290 of 2001, 7 and 390 of 2002, 353 of 2004, 408 of 2007 and 99 of 2008; Acts XXIV of 2011 and XV of 2012; Legal Notices 426 of 2012 and 91 of 2015; and Acts XVI of 2015, XLIII of 2018 and LXI and LXV of 2020 Incorporating also Articles 7(2), 8, 11 and 12 of, and Form annexed to Ordinance XIII of 1895.

<p>1. The title of this Act is Public Registry Act.</p> <p>2. There shall be a Public Registry Office in Malta and another in Gozo for the registration of causes of preference among creditors for the enrolment of acts requiring registration in order to have effect in regard to third parties, and for all other registrations required by law.</p> <p>3. (1) Each of the said offices shall be under the management of an officer called Director of the Public Registry, hereinafter referred to as the Director who shall also be the treasurer of the Public Registry and shall receive on account of the Government the fees leviable in accordance with the Tariff in the First Schedule hereto.</p> <p>(2) The Public Registry Office of Malta there shall also be Assistant Directors who shall be so designated by the Director from among the officers referred to in sub-article (1) of article 306 of the <u>Civil Code</u>.</p> <p>(3) Notwithstanding the provisions of article 306 of the <u>Civil Code</u>, any reference made to the Director in articles 35 and 37 shall not be construed as including a reference to any other officer referred to in this article.</p> <p>(4) Before entering upon the duties of their office, the officers referred to in this article shall take before the Court of Appeal the oath of allegiance set out in the <u>Constitution of Malta</u>, and the oath of office as follows:</p> <p style="padding-left: 2em;"><i>'I..... promise and swear to observe faithfully all the laws of Malta relating to my office and to perform faithfully and with all honesty and exactness the duties of Director/Assistant Director/Officer of/in the Public Registry to the best of my knowledge and ability. So help me God.'</i></p>	<p>Title.</p> <p>A Public Registry Office in Valletta (Malta) and another in Victoria (Gozo). <i>Amended by:</i> <u>XLIII.2018.14.</u></p> <p>Director of Public Registry. <i>Amended by:</i> <u>III.1967.2;</u> <u>XXIII.1967.2;</u> <u>XXXV.1979.2;</u> <u>XXXI.1986.2.</u> <i>Substituted by:</i> <u>III.1994.12.</u> <i>Amended by:</i> <u>XLIII.2018.15.</u></p> <p>Officer in, and Assistant Directors of, the Public Registry.</p> <p>Cap.16.</p> <p>Oaths.</p>
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Registrations and enrolments to be made in the Malta and in the Gozo office.

Amended by:
XXV. 1938.2.
XLIII.2018.16.

4. (1) In the office of Malta there shall be made all registrations of causes of preference respecting debtors who, in the respective notes, are described as ordinarily residing in the Island of Malta, or as residing in any other country outside Malta, as well as all registrations indiscriminately, relating to bottomry contracts, and all enrolments relating to acts received by notaries residing in the Island of Malta or relating to judgments or decrees delivered or given by the courts of justice in the said Island of Malta.

(2) There shall also be made in the said office of Malta all enrolments relating to acts received by notaries residing in the Island of Gozo or Comino or relating to judgments or decrees delivered or given by the courts of justice in the said Island of Gozo, when such acts, judgments or decrees relate to immovables situate in the Island of Malta.

(3) In the office of Gozo there shall only be made such registrations of causes of preference respecting debtors, who, in the respective notes, are described as ordinarily residing in the Island of Gozo or Comino, and all enrolments relating to acts received by notaries residing in the Island of Gozo or Comino, or relating to judgments or decrees delivered or given by the courts of justice in the Island of Gozo.

(4) There shall also be made in the said office of Gozo all enrolments relating to acts received by notaries residing in the Island of Malta or relating to judgments or decrees delivered or given by the courts of justice in the said Island of Malta when such acts, judgments or decrees relate to immovables situate in the Island of Gozo or Comino.

The Director shall not receive notes not drawn up according to law.

Amended by:
XXV. 1979.3:
XVII. 1984.2.

5. (1) The Director shall not receive any note for the registration of any cause of preference among creditors, or any note of reference or any note for the enrolment of an act unless such note is drawn up according to law.

(2) Every note for the registration of any cause of preference among creditors shall be drawn up according to Form A in the Second Schedule hereto and any note of reference to the same shall be drawn up according to Form B in the said Schedule.

(3) A note for the enrolment of an Act or for the registration of a cause of preference and any note of reference to the same shall be typewritten or printed in dark, clear, easily legible and indelible characters, on paper authorized by the Director; and there shall be deposited at the Public Registry, together with the note, a clear copy thereof.

(4) No note, whether for registration or enrolment, shall contain any figures or numbers which have not at least in the first instance, been written out in words, and no correction shall be made in any such note.

(5) The person who signs any note or copy referred to in this article shall, next to his signature, print, stamp or write in clearly legible letters, and in case of handwriting in block letters, his name and surname, and his professional capacity or, in the appropriate case, his capacity of creditor or debtor.

6. When the particulars which, according to article 2042 of the Civil Code must be stated in the note have not been stated for the reasons specified in the said article, there shall be stated in the note that such particulars are unknown:

Provided that this shall be without prejudice to the provision of the said article as to the insertion in the note of other individual particulars capable of establishing the identity.

7. In the designation of an immovable, the following rules shall be observed:

- (a) in the case of an urban tenement, it shall be sufficient to mention the town, suburb or village, and the street in which it is situate, and the number with which it is marked: if the tenement bears no number or is situate in a street which has no name, the note must contain a mention of such circumstance and an indication of the boundaries on at least three sides;
- (b) in the case of a rural tenement, it shall be sufficient to mention the suburb, or village within the limits of which it is situate, its denomination, if any, its boundaries on at least three sides, and its approximate area.

8. (1) The note of enrolment shall contain the particulars of the parties in accordance with article 2042 of the Civil Code, the date and nature of the act, an indication of the thing to which the act refers as provided in the last preceding article, together with an indication of the value in the case of acts in which such value can be determined:

Provided that this shall be without prejudice to the provision of the said article as to the insertion in the note of other individual particulars capable of establishing the identity.

(2) In the case of a will, the note shall only contain the date and nature of the act and the designation of the testator in accordance with article 2042 of the Civil Code.

(3) In the case of any transfer under the provisions of the Land Acquisition (Public Purposes) Ordinance the note for enrolment shall be deemed to comply with the provisions of this article, notwithstanding that the owner or any of the owners of the immovables so transferred is designated as unknown or uncertain.

9. *Repealed by article 46 of Act XXXVII of 1988.*

Where particulars are unknown.
Amended by:
XXIV. 1940.2.
Substituted by:
LXI. 2020.10.
Cap. 16.

Rules for the designation of an immovable.
Amended by:
XXV. 1938.2.

Contents of note for enrolment.
Amended by:
XXV. 1938.4.
LXI. 2020.11.

Cap. 88.

Contents of note for registration of bottomry contract.
Amended by:
XI. 1973.377.

When attestation of notes is required.
Substituted by:
XXV. 1979.4.
Amended by:
L.N. 426 of 2012.

10. The Director shall not receive any note which is signed only by the person applying for registration or enrolment unless such person and his signature are well known to him or unless he has ascertained the identity of such person by means of a legally valid identification document, or of a passport and the signature of such person is made in the presence of the Director.

Court of Revision of Notarial Acts to decide any question as to the regularity of a note.

Amended by:
XXIV. 2011.100.

Office hours for presentation of notes.

Amended by:
VI. 1951.2.
Substituted by:
VI. 1974.2.

Amended by:
IX.2000.4.

Director to write on note date of receipt and progressive number.

Amended by:
XXV. 1963.2.

Order of registration.

Amended by:
III. 1967.3.

Time within which notes are to be registered.

Amended by:
XXV. 1963.3;
III. 1969.2.

How registration or enrolment is made.

Substituted by:
XXV. 1963.4.

Amended by:
III. 1969.2,3;
XXXV. 1979.5,6.

11. (1) Any question as to the regularity of a note shall, on the demand of the person applying for the registration or enrolment, be determined by the Court of Revision of Notarial Acts, which shall decide whether such note is drawn up according to law, or, otherwise direct the manner in which it shall be drawn up.

(2) The Director shall receive and register any note which the said court, having regard to the nature of the case and the provisions of law, shall have declared to contain the prescribed particulars notwithstanding that he had previously refused to receive it on the ground of irregularity.

12. The Office of the Public Registry in Malta and that in Gozo shall be open for the presentation of notes of registration and enrolment from Monday to Friday of every week during such hours as the Minister responsible for the Public Registry may fix by notice published in the Government Gazette:

Provided that, when any such day happens to be a public holiday as well as on Wednesday and Thursday in Holy Week, the said Offices shall be kept closed.

13. (1) On every note received for registration or enrolment the Director if satisfied of its regularity shall write a progressive number and the date of its receipt, and shall sign his name thereto.

(2) The numbering of notes shall commence with the first and end with the last note filed in each year.

14. (1) Notes properly drawn up shall be registered in the order in which they are presented.

(2) Nevertheless where any note is rejected by the Director as irregular and such note is again presented to him in the form prescribed by the decree directing its acceptance, it shall be registered in the order of its fresh presentation without suspending the registration of other notes received in the interval between the rejection and the fresh presentation of the said note.

15. Every note regularly drawn up must be registered within eight months from the day of its receipt: but for all legal purposes, it shall be deemed to have been registered on the day on which it was received.

16. (1) Registration or enrolment is effected by entering a clear copy thereof in the register. The copy shall contain the progressive number of the note and the date of receipt and shall be signed by 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.

(4) Such declaration shall be made, dated and signed by the Director within eight months from the receipt of the last note

entered in the volume.

17. (1) The pages of every register kept under the provisions of this Act shall be numbered consecutively.

(2) The last page of each volume shall contain a statement as to the total number of its pages; such statement shall be signed by the Director.

Registers to be numbered and countersigned.
Amended by:
XXV. 1938.5;
XXXVI. 1979.5,6;
XVII. 1984.3.

18. (1) Every page of the registers kept under the provisions of this Act shall be divided into columns.

(2) There shall be at least as many columns as are prescribed in respect of the form of the notes for registration, and one or more other columns for the entry therein of any assignment, reduction, or cancellation, or of any reference to other entries, or of such other annotations as may be necessary.

Pages of registers to be divided into columns.

19. *Repealed by article 4 of Act XVII of 1984.*

No corrections to be made without authority of court.
Amended by:
XXV. 1963.6.

20. (1) The correction of any entry may be made by transcribing the entry with the same number and date in another part of the register; in which case a reference to the second entry shall be made in the first entry, and in the second entry an annotation shall be made to the effect that such entry is merely a correction of the first entry.

Correction may be made by transcription of entry.
Amended by:
XXV. 1963.7;
XVII. 1984.5.

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

21. (1) Where it is found necessary to correct an error in the transcription of any 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.

Correction of errors in transcription.
Added by:
XXV. 1938.6.
Amended by:
XXV. 1963.8;
XVII. 1984.6.

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

(3) It shall not be lawful to make any erasure.

22. The provisions of articles 20 and 21 shall not apply to notes presented after the 1st January, 1980.

Applicability of articles 20 and 21.
Added by:
XXXV. 1979.7.
Substituted by:
XVII. 1984.7.

23. The registers and the notes received but not yet registered shall be open to inspection by any person.

Registers and notes open to inspection.

24. (1) A general index of all registrations of causes of preference among creditors entered between the 1st January and the 31st December both inclusive, of every year, shall be made annually, as well as a similar general index of all enrolments, made during the said year.

Indexes.
Amended by:
XXV. 1938.7;
XVII. 1984.8;
XII. 1986.8.

(2) The general index of enrolments shall contain a list of the notes referred to in article 8(3); such notes shall also be entered in the said index under the name of the town, suburb or village within the limits of which the immovable expropriated is situate.

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(3) The Director shall, in addition to the general indexes mentioned in sub-articles (1) and (2), keep such other books, registers and indexes and make such entries therein, as may be necessary to record, indicate and make traceable the connection between the previous name or surname of any person, and the new name or surname assumed by such person in virtue of any of the provisions of article 253(2) or of article 92(4) and (5) of the Civil Code, or where in virtue of any other provision of the said Code, the name or surname of a person is changed, other than by marriage or adoption, in such a way that any cause of preference or any enrolment relative to that person would not be immediately traceable in the general indexes aforementioned.

Lists of registrations and enrolments to be transmitted from Gozo.

*Amended by:
XVII. 1984.9;
XLIII.2018.17.*

Copy of index to be also transmitted.

Director to give, on application, certificate of registrations.
*Amended by:
XXV. 1938.8;
LXV.2020.37.*

25. (1) The Director of the Gozo office shall transmit to the Director of the Malta office, during the first and the third week of every month, a list containing the names of the debtors against whom registrations shall have been entered in the Gozo office during the preceding fortnight and another list of the enrolments made in the same office.

(2) The said lists shall be open to inspection in the same manner as the registers.

(3) The Director of the Gozo office shall also transmit to the Director of the Malta office, in the month of January of every year, a copy of the index of registrations and enrolments made in that office in the preceding year as provided in article 24.

26. (1) The Director is bound to give to any person applying for the same, a certificate of all the registrations of causes of preference entered in the register against any individual, or of the enrolments of deeds to which such individual was a party. This certificate may also be given in digital form and electronically signed 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.

(2) The application for such certificate must be made in writing and must contain an indication of the name, surname, name of the parents, and place of birth of the said individual, and, in the case where the individual is married, the name and surname of the spouse and the date of her marriage.

(3) Such application must be signed by the applicant, or by an advocate, notary or legal procurator.

(4) Where the father is unknown, such circumstance shall be stated in the application.

Contents of certificate.
*Amended by:
XXV. 1938.9;
LXV.2020.38.*

27. (1) The certificate referred to in the last preceding article shall contain -

- (a) a recital of the application with the particulars of the individual to whom such application refers;
- (b) a copy of every entry concerning any person in respect of whom the particulars as to name, surname, name of

parents, place of birth, and name of spouse (if any) correspond to those of the individual described in the application; and

- (c) where an express request is made in the application, a copy of any note referred to in article 8(3) relating to any immovables specified in the application and therein designated by the particulars mentioned in article 7.

(2) If no entry relating to the individual or the immovables referred to in the application exists, the certificate shall contain a declaration to that effect.

28. (1) Whenever a search either of the liabilities or of the transfers of property of any person is required to be made in the Public Registry, the officer in charge shall at the request of the applicant deliver a list, signed by the Director of the Public Registry or by any officer acting as such, and countersigned by the officer who shall have compiled such list, containing the progressive number of every entry relating to the person in respect of whom the search is made, entered in the Public Registry during the period for which such search is required.

Where search of liabilities or transfers is required to be made in the Public Registry.

Amended by:
IV.1928.2;
XXV. 1938.10;
XL. 1939.2;
XVII. 1984.10.

(2) The said list shall also contain, if an express request to that effect is made in the application for the search, the progressive number of any of the notes referred to in article 8(3), relating to any immovable specified in the application and therein designated by the particulars mentioned in article 7.

29. (1) The Director of the Malta Office shall mention, separately, in the certificates given out by him under the provisions of the foregoing articles, the entries made in the Gozo Office, in so far as they result from the index or the lists transmitted to him as aforesaid, stating further the date of the list last received by him.

Reference to registrations in Victoria (Gozo) Office.

Amended by:
XLIII.2018.18.

(2) The Director of the Gozo Office shall in all cases include in his certificate a statement as to the possibility of the existence of entries in the Malta Office under the name of the individual designated in the application.

30. The Director is also bound to give to any person applying therefor a special certificate of any entry, containing a copy of the entry itself. Any such certificate shall not contain more than one entry.

Special certificate.
Amended by:
XVII. 1984.11.

31. The Director of the Public Registry, when required to give any general or special certificate of registrations against any person, shall not take into consideration such registrations as, being subject to renewal, have not been renewed and from the date of which thirty years shall have elapsed.

Certificate not to include lapsed registrations.
S. 12 of Ord. XIII of 1895, incorporated.

32. The Director of the Public Registry shall not receive any note of renewal unless it is made in accordance with Form A in the Second Schedule hereto together with the following declaration at the end of the note of renewal:

Form of note for renewal.
S. 7(2) of Ord. XIII of 1895, incorporated.
Substituted by:
XXXV. 1979.8.

"I declare that I intend to renew note of registration

number..... entered in the Public Registry on”.

Register for renewals and legal hypothees.
S.8 of Ord. XIII of 1895,
incorporated.

Provisions relating to original registrations to apply to renewals.
S.11 of Ord. XIII of 1895,
incorporated.

Two register books for the European Certificate of Succession.
Added by:
XVI. 2015.11.

Responsibility of Director.

33. The Director of the Public Registry shall keep a register for the renewals of registrations and another register for the legal hypothees in favour of wives and of persons under tutorship or curatorship.

34. The provisions relating to original registrations and the relative registers, shall so far as applicable apply to the renewal of registrations and to the registers mentioned in the last preceding article.

34A. (1) In the Public Registry Office in Malta and in Gozo, there shall be kept two register books: one for the registration of applications of the European Certificate of Succession, and another for the registration of European Certificate of Succession which have been issued by the competent issuing authorities.

(2) In both cases the registration shall be made in the name of the deceased person whose succession is being determined by means of the European Certificate of Succession.

(3) The Director of the Public Registry shall cause an index of the register books for the registration of the applications of the European Certificate of Succession and for the registration of European Certificate of Succession, to be made and kept in the Public Registry Office in Malta and in Gozo; and every person shall be entitled to search that index, and to have a copy of any entry which is found in the said register books.

(4) The copy of any entry obtained from the register books mentioned in this article serves only for information purposes and shall not in any way whatsoever substitute the certified copy of the European Certificate of Succession issued by the competent issuing authorities.

(5) For the purposes of this article the European Certificate of Succession refers to the meaning as is assigned to it in the European Parliament and Council Regulation (EU) No. 650 of 2012.

35. The Director shall be liable for damages and interest arising from -

- (a) his omission to register any note received by him or his ante-dating or post-dating any such note;
- (b) his omission or inaccurate registration of any of the particulars contained in the note respecting the designation of the debtor, or assignee, or of the amount due or assigned;
- (c) his omission in any of the certificates or lists mentioned in articles 26 and 28, of any existing entry, unless such omission is due to insufficient indications for which the Director cannot be held responsible;
- (d) his omission to mention in any of the said certificates

relating to registrations of causes of preference, any assignments duly entered in the registers.

36. (1) The retired Judge or retired Magistrate or retired advocate of the Court of Revision shall inspect the registers twice in each year.

(2) The first inspection shall take place within the six months reckoned from the first day of May and the second within the six months reckoned from the first day of November.

37. During the said inspections, the retired Judge or retired Magistrate or retired advocate shall examine whether the officers referred to in article 3 have complied with the provisions of this Act and of any other law and may, for every contravention, inflict upon the officer responsible, a fine (*ammenda*) not exceeding eleven euro and sixty-five cents (11.65):

Provided that where the contravention consists in the omission of anything which is required to be done under this Act or under any other law and it is not possible for the court to ascertain who was responsible for such omission, the contravention shall be deemed to have been committed by the Director and the punishment shall be inflicted accordingly.

38. (1) This Act shall not affect the provisions of the Merchant Shipping Act with respect to the registration of debts affecting ships in accordance with the provisions of the said Act.

(2) Every custom contrary to or inconsistent with the provisions of this Act, is repealed.

39. (1) The Minister responsible for the Public Registry may make regulations generally for carrying out the provisions of this Act and in particular but without prejudice to the generality of the foregoing, may by such regulations -

- (a) provide for the making of duplicate notes of any original notes for the registration of any cause of preference among creditors, or of any note of reference or of any note of enrolment where the original note has been lost, destroyed or damaged, and for the substitution by a new register of any register lost, destroyed or damaged;
- (b) prescribe the mode in which such duplicate notes, and new registers shall be prepared and authenticated;
- (c) prescribe that notes for the registration of any cause of preference among creditors, notes of reference, and notes of enrolment and the relative registers and indexes be reproduced by microfilming, and the mode in which such reproductions are to be made, stored and made accessible to the public;
- (d) prescribe the manner in which reproductions made by microfilming and copies thereof may be authenticated;
- (e) provide for the computerisation, including storage, of

Inspection of registers.

*Amended by:
XXXV. 1979.9;
XXIV. 2011.100.*

Duties of Court of Revision.

*Substituted by:
XXIII. 1967.3.*

*Amended by:
XXXV. 1979.10;
XIII. 1983.5;
XXXI. 1986.3.*

*Substituted by:
III. 1994.12.*

*Amended by:
L.N. 408 of 2007;
XXIV. 2011.100.*

Savings.

*Amended by:
XL. 1973.377.
Cap. 234.*

Power to make regulations.

*Added by:
XXXV. 1979.11.*

*Substituted by:
XVII. 1984.12.*

*Amended by:
IX. 2000.4.*

information taken from any records which are kept in accordance with the provisions of this Act, and for the production of documents containing statements of such information and the authentication of such documents;

- (f) prescribe the form of any certificate issued by the Director in terms of articles 26 and 30 and the form of the relative application for the issue of such certificates;
- (g) prescribe the form of the application for the issuing of lists in terms of article 28 and the form of such lists;
- (h) prescribe the fees and other charges to be levied and paid in respect of anything done under the provisions of this Act;
- (i) amend, make additions to or substitute the Schedules to this Act; and
- (j) provide for any matter incidental or supplementary to any of the foregoing provisions.

(2) The provisions of any regulations made under this article shall, so far as applicable, apply to renewals of registrations and to legal hypothecs.

(3) Any duplicate note or new register made in accordance with regulations made under sub-article (1), shall for all intents and purposes, replace the original note or register.

Substituted by:

XL.1939.3.

Amended by:

XXIX.1948.2;

V.1972.3;

XIII.1983.4.

Substituted by:

L.N. 71 of 1987.

Amended by:

L.N. 121 of 1993.

Substituted by:

L.N. 211 of 1997.

Amended by:

L.N. 262 of 2000;

L.N. 290 of 2001;

L.N. 7 of 2002;

L.N. 390 of 2002;

L.N. 353 of 2004.

Substituted by:

L.N. 408 of 2007.

Amended by:

L.N. 99 of 2008;

XV. 2012.29.

Substituted by:

L.N. 91 of 2015.

Amended by:

XVI. 2015.12.

FIRST SCHEDULE

TARIFF

(Article 3)

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A. Privileges and hypothecs

1. For every note for registration or of renewal of registration where the amount of debt -	
(a) does not exceed €2,329.37	2.60
(b) exceeds €2,329.37 but does not exceed €46,587.47	25.65
(c) exceeds €46,587.47	25.65

and in addition two euro and sixty cents (€2.60) in respect of each €2,329.37 or part of €2,329.37 over and above the initial €46,587.47

 (d) where the amount of debt is not stated

2.60

For every note for registration where the debt is an annuity or a pension, the fees laid down in the foregoing scale shall be levied in the following manner, namely:

- (a) if the annuity is constituted in perpetuity or for twenty years or more, or for an indefinite period, the fee is to be assessed on the total amount payable during the period of twenty years;
- (b) if the annuity is constituted for a definite period under twenty years, the fee is to be assessed on the total amount payable during such period;
- (c) if the annuity is constituted for the life or lives of any person or persons, the fee is to be assessed on the total amount payable during the period of twelve years.
2. For every note relating to an assignment, a reduction, or cancellation including the relative reference to be entered in the registers 3.85
- B. Enrolments
8. For every note for the enrolment of a public will, for every note for the enrolment of the opening of a secret will, and for every note containing a declaration *causa mortis* 6.40
9. For every declaration to renounce an inheritance, every note of renunciation made on the taking of monastic vows, of an endowment, of a marriage contract without the conveyance of immovables, of a counter declaration to a marriage contract, of personal separation and cessation of the community of acquests, and for any other note relating to any power of attorney, notarial deed, judgment or decree of a court, where the value involved is not ascertainable 2.60
10. For every other note relating to any notarial deed, judgment or decree of a court, where the value involved is ascertainable -
- (a) and does not exceed €2,329.38 2.60
 - (b) exceeds €2,329.38 but does not exceed €46,587.47 25.65
 - (c) exceeds €46,587.47 25.65
- and in addition two euro and sixty cents (€2.60) in respect of each €2,329.38 or part of €2,329.38 over and above the initial €46,587.47
- For every note for enrolment relating to an annuity or a pension the fees laid down in the foregoing scale shall be levied in the following manner, namely:
- (a) if the annuity is constituted in perpetuity, or for twenty years or more, or for an indefinite period, the fee is to be assessed on the total amount payable during the period of twenty years;

	(b) if the annuity is constituted for a definite period under twenty years, the fee is to be assessed on the total amount payable during such period;	
	(c) if the annuity is constituted for life or lives of any person or persons, the fee is to be assessed on the total amount payable during the period of twelve years.	
11.	For every reference to be entered in the registers	1.30
12.	For every registration of an application of a European Certificate of Succession or for the registration of a European Certificate of Succession or for the registration of a rectification, modification or withdrawal of a European Certificate of Succession ..	20
	C. Applications, Searches and Certificates	
C1	For every application for a search for entries against a particular individual or company (where the particulars do not correspond, two or more applications have to be submitted and shall be deemed to have always been necessary), provided that where the application is submitted by a government department the application fee shall be reduced by half	15.85
	And, in addition, there shall be payable:	
	(a) for every copy, irrespective of the number of pages, of a note of preference, reference, enrolment or other record forming part of the search	3.20
	Provided that where the applicant,	
	(i) orders such copy through a remote site, even when such record does not form part of the search; or	
	(ii) accesses the remote site on the status of his own applications for a search,	
	no extra charge shall be levied as is due for the copy or search as the case may be;	
	(b) where as part of the search, instead of a full copy of the note, only an indication thereof is given, such as "GPP" for guarantee of peaceful possession "D/M" for different maternity, or similar note in lieu of the full copy	0.95

C2	When the application refers to the verification and certification of non-computerised searches, in addition to the minimum application fee mentioned in paragraph C1 hereof, as well as in addition to the charge mentioned in the same paragraph whenever a particular note is not recorded in the searches presented for verification and certification, a copy of the missing note is provided with the result, including the checking of notes of reference in respect of particular notes of preference not forming part of an official search application, a charge, per match, of:	
	(a) for the first 99 matches	0.50
	(b) where the number is 100 matches but does not exceed 200 charge per match within this band	0.15
	(c) where the number is 200 matches but does not exceed 500 charge per match within this band	0.13
	(d) where the number is 500 matches but does not exceed 1000 charge per match within this band	0.10
	(e) where the number is 1000 matches or over, charge per match within this band	0.08
C3	Request to update an official search issued during the ninety days prior to the request	4.15
C4	For a special certificate (Public Registry Certificate) of any entry issued as a true copy of any entry following an <i>ad hoc</i> request in terms of article 30 of the Act and not forming part of an official search	3.85
C5	For every certificate relating to the wills made by any particular person irrespective of the number of pages (including the fee for the search):	
	(a) where an application does not require a search in pre-1972 records	9.00
	(b) in all other cases	12.85
C6	Application to be registered as an agent	12.85
C7	When a person makes a special arrangement with the Director whereby the latter is to provide him with copies of all notes of preference to which such person may be a party during the six months next following such arrangement, for every informal copy irrespective of the number of pages, so long as the number of copies ordered are more than 50	0.70
C8	For accessing the electronic records from a remote site, the charge per search carried out in accordance with the parameters of Parts A or B of the Second Schedule hereof, up to a maximum of fifty records at any one time	13.20

Provided that, irrespective of the number of electronic records available, where the applicant chooses to limit the access, the charge shall be, where those records cover the latest -

(a) 30 days as currently available	2.65
(b) 90 days as currently available	5.30
(c) 120 days as currently available	7.95

SECOND SCHEDULE

FORMS

FORM A - NOTE FOR REGISTRATION

[Articles 5, 32]

*Amended by:
XXIV. 1940.3.
Substituted by:
XXXV. 1979. 12.*

Note for Registration.

of..... Progressive No.

REMARKS (for office use only)

CREDITOR

(Particulars of Creditor)

DEBTOR

(Particulars of Debtor)

CREDIT

(Particulars of Credit)

CAUSE OF PREFERENCE

(Hypothec, Privilege, Legal Hypothec, etc.)

This day of 20

Director

Signature of person applying
for registration

FORM B - NOTE OF REFERENCE

[ARTICLE 5(2)]

*Form annexed to
Ordinance XIII of
1895,
incorporated.
Substituted by:
XXXV. 1979.12.*

REFERENCE NO.	TITLE
<i>(Hypothec No. is to be inserted here)</i>	<i>Signature</i>