
Nru. 134

2. 5. 2001

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Tonio Borg, M.P., Ministru ta' l-Intern, u moqri għall-Ewwel darba fis-Seduta tat-2 ta' Mejju, 2001.

ATT biex jipprovdi dwar ir-Restituzzjoni ta' art esproprjata bis-sahha ta' l-Att dwar Arei għall-Iżvilupp tal-Bini.

RICHARD J. CAUCHI

Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Tonio Borg, M.P., Minister for Home Affairs, and read the First time at the Sitting of the 2nd May, 2001.

AN ACT to make provision for the Restitution of land expropriated by virtue of the Building Development Areas Act.

RICHARD J. CAUCHI

Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjaħ

ATT biex jipprovi dwar ir-restituzzjoni ta' art esproprjata bis-saħħa ta' l-Att dwar Arei għall-Iżvilupp tal-Bini.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:-

1. It-titolu ta' dan l-Att hu Att ta' l-2001 dwar Restituzzjoni ta' Ċertu Artijiet, u għandu jibda jseħħ f'dik id-data li l-Ministru responsabbli għall-artijiet jista' b'avviż fil-Gazzetta jistabbilixxi, u jistgħu jiġu hekk stabbiliti dati differenti għal dispożizzjonijiet differenti u għanijiet differenti ta' dan l-Att. Titolu fil-qosor u bidu fis-seħħ.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtieġx xort'oħra: Tifsir.

“Area għall-Iżvilupp tal-Bini” għandha l-istess tifsira kif mogħtija lilha fl-Att;

“l-Att” tfisser l-Att dwar Arei għall-Iżvilupp tal-Bini. Kap. 303.

3. (1) Bla hsara għad-dispożizzjonijiet ta' dan l-Att kull art fil-limiti ta' Area għall-Iżvilupp tal-Bini akkwistata bi proprjetà assoluta taħt id-dispożizzjonijiet ta' l-Att kif hemm provdut fl-artikolu 5 tiegħu, mal-pubblikazzjoni fil-Gazzetta tal-Gvern ta' avviż legali li tkun tistabbilixxi li l-Gvern ikun qiegħed jitlaq il-proprjetà ta' l-imsemmija art, għandha b'seħħ mid-data meta dik l-art tkun ġiet akkwistata kif hawn qabel imsemmi, u bis-saħħa ta' dan l-Att mingħajr ebda formalità Restituzzjoni ta' art u drittijiet u interessi fiha.

ohra mehtieġa bil-liġi, terġa' lura għal għand il-persuna jew persuni li lihom kienet tappartjeni l-art, sew bi proprjetà assoluta sew b'titlu ta' proprjetà diretta jew nuda, dirett jew utili dominju, uzufrutt, uzu jew abitazzjoni, bħallikieku l-akkwist bis-sahha ta' l-artikolu 5 ta' l-Att ma jkun sehh qatt.

(2) Malli ssir dik ir-restituzzjoni, kull hlas, ipoteka jew privileġġ u kull dritt reali iehor mhux imsemmi fis-subartikolu (1) ta' dan l-artikolu kif ukoll kull kiri li dik l-art kienet sugġetta għalih, għandhom jerġghu jibdew isehhu bħallikieku qatt ma temmew milli jeżistu u għandhom ikomplu jkunu operattivi, bla hsara għal waqfien jew estinzjoni ta' dak id-dritt li kien kieku dan ikun ġie mwaqqaf jew estint qabel dik ir-rivezzjoni jew skond xi ftehim jew bl-operat tal-liġi li kieku l-akkwist kontemplat bl-Att ma kienx sehh.

Kap. 296.

(3) Is-sidien ta' l-art għandhom jirreġistraw it-titolu tagħhom fir-Registru ta' l-Artijiet skond l-Att dwar ir-Registrazzjoni ta' Artijiet, fi żmien tliet xhur minn dik ir-restituzzjoni. Dik ir-registrazzjoni ma tagħtihom ebda jedd għal xi hruġ minnufih ta' "titolu garantit".

Waqfien ta' drittijiet għal kumpens.

4. (1) Malli ssir ir-restituzzjoni hawn qabel imsemmija, kull kumpens li tithallas bis-sahha ta' l-Att, jew kull liġi ohra, lil xi persuna li tkun qegħda tippretendi xi dritt jew interess fuq jew f'xi art akkwistata bis-sahha ta' l-artikolu 5 ta' l-Att, inkluż kull kumpens bi pretensjoni għal xi perjodu li matulu dik l-art ma kientx fil-pussess tiegħu jew meta xi dritt fuqha ma kienx esercitabbli, għandu jtemm milli jkun jista' jiġi mħallas:

Iżda meta, dwar xi art, dritt jew interess, persuna tkun tista' turi għas-sodisfazzjon tal-Qorti Ċivili, Prim'Awla, illi li kieku dik l-art jew dak id-dritt ma ġietx restitwita għandha kif hemm provdut fl-artikolu 3 ta' dan l-Att, il-kumpens li kien ikollha jedd għalih kien ikun akbar mill-valur ta' l-art, tad-dritt jew ta' l-interess imsemmija qabel fil-waqt tar-restituzzjoni, dik il-persuna jkollha jedd li tithallas id-differenza fil-valur, u fejn ebda art, dritt jew interess ma jkunu jistgħu jiġu restitwiti bis-sahha ta' dak l-artikolu, il-kumpens li jithallas bis-sahha ta' l-Att, jew kull liġi ohra, għandu jibqa' jkun jista' jithallas.

(2) Pretensjoni li ssir taht il-proviso għas-subartikolu (1) ta' dan l-artikolu għandha biss tintlaqa' jekk din issir b'citazzjoni li tiġi pprezentata qabel ma tiskadi sena mill-bidu fis-sehh ta' dan l-Att.

Meta d-drittijiet ikunu ġew trasferiti.

5. Meta l-persuni li mingħandhom l-art in kwistjoni tkun ġiet akkwistata jkunu ttrasferew id-drittijiet tagħhom għal kumpens lil xi persuna ohra sew b'att *inter vivos* jew *causa mortis*, it-trasferiment, għandu, kemm-il darba ma jiġix xort'ohra miftiehem fl-att ta' trasferiment, jitqies li jkun it-trasferiment ta' art jew ta' xi interess iehor fiha rappreżentat minn dawk id-drittijiet.

Ghanijiet u Raġunijiet

L-ghan ta' dan l-Abbożż hu sabiex jipprovdi ghar-restituzzjoni ta' art f'Arei għall-Iżvilupp tal-Bini li ma jkunux meħtieġa mill-Gvern, lura lis-sid originali tagħha.

**A BILL
entitled**

AN ACT to make provision for the restitution of land expropriated by virtue of the Building Development Areas Act.

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 and commencement.

1. The title of this Act is the Reversion of Certain Lands Act, 2001 and shall come into force on such date as the Minister responsible for lands may be notice in the Gazette appoint, and different dates may be so appointed for different purposes or provisions of this Act.

Interpretation.

2. In this Act, unless the context otherwise requires:

Cap. 303.

“the Act” means the Building Development Areas Act;

“Building Development Area” has the same meaning assigned to it in the Act.

Reversion of land and rights and interest therein.

3. (1) Subject to the provisions of this Act any land within a Building Development Area acquired in full ownership under the provisions of the Act as provided in article 5 thereof, upon publication in the Government Gazette of a legal notice to the effect that Government is relinquishing ownership of the said land, shall with effect from the date on which the land in question was acquired as aforesaid, and by virtue of this Act without any other formality required by law, revert to

the person or persons to whom the land belonged, whether in full ownership or by title of direct or bare ownership, direct or *utile dominium*, usufruct, use or habitation, as if the acquisition by virtue of article 5 of the Act has never taken place.

(2) Upon such reversion any charge, hypothec or privilege and any other real right not mentioned in subarticle (1) of this article, as well as any lease to which the land was subject, shall revive as if it had never ceased to exist and shall continue to be operative, subject to the cessation or extinction of such right which would have ceased or have been extinguished before such reversion either in accordance with any agreement or by operation of law had the acquisition contemplated by the Act not taken place.

(3) The owners of the land shall register their title at the Land Registry in terms of the Land Registration Act within three months of such reversion. Such registration will not entitle them to an immediate issue of a "Guaranteed title".

Cap. 296.

4. (1) Upon the reversion aforesaid, any compensation payable by virtue of the Act, or any other law, to any person claiming a right or interest over or in any land acquired by virtue of article 5 of the Act, including any compensation claimed for any period during which such land was not in his possession or any rights thereon were not exercisable, shall cease to be payable:

Cessation of rights to compensation.

Provided that where, in respect of any land, right or interest, a person can show to the satisfaction of the Civil Court, First Hall, that the land or right not reverted to him as provided by article 3 of this Act, the compensation to which he would have been entitled would have been greater than the value of the land, right or interest aforesaid at the time of reversion, such person shall be entitled to be paid the difference in value, and where no land, right or interest can revert by virtue of that article, the compensation payable by virtue of the Act, or any other law, shall continue to be payable.

(2) Any claim made under the proviso to subarticle (1) of this article shall only be entertained if made by writ of summons filed before the lapse of one year from the coming into force of this Act.

5. Where the persons from whom the land in question was acquired have transferred their rights to compensation to any other person whether by act *inter vivos* or *causa mortis*, the transfer shall, unless otherwise agreed to in the act of transfer, be deemed to be the transfer of the land or other interest therein represented by such rights.

Where rights have been transferred.

Objects and Reasons

The object of this Bill is to provide for the restitution of land in Building Development Areas not required by Government back to its original owners.