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MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Joe Borg, M.P., Ministru għall-Affarijiet Barranin, f'isem il-Ministru ta' l-Intern, u moqri għall-Ewwel darba fis-Seduta tal-11 ta' Ottubru, 2000.

ATT dwar l-Amministrazzjoni ta' Artijiet.

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Joe Borg, M.P., Minister for Foreign Affairs, on behalf of the Minister for Home Affairs, and read the First time at the Sitting of the 11th October, 2000.

AN ACT to provide for the administration of lands.

RICHARD J. CAUCHI
Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjaħ

ATT dwar l-amministrazzjoni ta' artijiet

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 huwa Att ta' l-2000 dwar l-Amministrazzjoni ta' Art tal-Gvern, u għandu jibda jseħħ f' dik id-data li l-Ministru responsabbli għall-Artijiet jista' jistabbilixxi b'Ordni fil-Gazzetta. Titolu fil-qosor u bidu fis-seħħ.

2. Għall-iskop ta' dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġ xort'ohra, il-kelma "art" tinkludi kull haġa immobbli kif ukoll kull dritt reali fuq l-immobbli. Tifsir.

3. Bla ħsara għall-provvedimenti l-oħra ta' dan l-Att, b'effett mill-bidu fis-seħħ ta' dan l-Att, kull art li tappartjeni lill-fondazzjonijiet u amministrazzjonijiet, amministrati mill-Gvern separatament mill-amministrazzjoni ta' art oħra li tappartjeni lill-Gvern, qed tiġi vestita fil-Gvern u l-Gvern għandu jittratta u jamministra dik l-art li qed tiġi hekk vestita bis-saħħa ta' dan l-Att bl-istess mod bħal kull art oħra li tappartjeni lill-Gvern bi proprjetà assoluta u jista' jneħhi dik l-art skond hekk, u b'effett minn dak il-bidu fis-seħħ kull passiv ta' jew li jsir dovut f'dak li għandu x'jaqsam ma' dik l-amministrazzjoni jsir passiv tal-Gvern jew lill-Gvern ikun addebitat lill-Fond Konsolidat mingħajr approprjazzjoni oħra barra dan l-Att. Art li tiġi vestita fil-Gvern.

Effett fuq l-enfitewsi eċċ.

4. Minghajr preġudizzju għal xi konsolidazzjoni tad-dirett dominju ma' l-utili dominju li ssir meta l-art tiġi vestita kif provdut fl-artikolu 3 ta' dan l-Att, id-dispożizzjonijiet ta' dak l-artikolu ma jolqtu ebda enfitewsi jew kirja mogħtija dwar dik l-art jew xi servitù li għalih xi art bħal dik tista' tkun suġġetta, u kull enfitewsi jew kirja bħal dawk għandhom, għall-finijiet kollha, jitqiesu li ngħataw mill-Gvern u għandu jsir minnhom skond hekk.

Obbligazzjonijiet marbutin ma' art li tiġi vestita fil-Gvern.

5. B'effett mill-bidu fis-seħħ ta' dan l-Att, kull piż jew gravami li għalih xi art bħal dik imsemmija fl-artikolu 3 ta' dan l-Att tista', qabel il-bidu fis-seħħ ta' dan l-Att, tkun suġġetta, u kull hłas iehor jew ghemil iehor li, qabel l-imsemmija data, ikun dovut dwar xi attiv bħal dak, għandu, bis-saħha ta' dan l-Att, jieqaf milli jkun piż jew gravami fuq, jew hłas jew ghemil dovut dwar xi art bħal dik, u kull somma jew oġġett jew ghemil iehor li, kieku ma kienx għad-dispożizzjonijiet ta' dan l-artikolu, kienu jkunu dovuti li jithallsu jew li jsiru minnufih qabel il-bidu fis-seħħ ta' l-Att, għandhom, minn dak il-bidu fis-seħħ, ikunu dovuti li jithallsu jew li jsiru mill-Gvern, u kull hłas hekk dovut ikun addebitat lill-Fond Konsolidat minghajr approprjazzjoni oħra barra dan l-Att.

Talbiet.

6. (1) Kull min jivvanta dritt ta' kumpens dwar l-art li tkun qegħda tiġi vestita fil-Gvern kif imsemmi f'dan l-Att ikollu dritt li jaċċedi, permezz ta' ċitazzjoni li ssir kontra l-Gvern fil-Prim'Awla tal-Qorti Civili, sabiex jiġi stabbilit l-interess tiegħu f'dik l-art jew fuqha u l-ammont ta' kull kumpens li jista' jkollu jedd għalih u għall-hłas ta' dak il-kumpens.

(2) Jista' jsir appell fil-Qorti ta' l-Appell minn kull deċizzjoni tal-Prim'Awla tal-Qorti Civili.

(3) Ma tista' tiġi pprezentata ebda azzjoni taħt dan l-artikolu wara l-iskadenza ta' sitt xhur minn meta dan l-Att jibda jseħħ.

Għanijiet u Raġunijiet

L-għan ta' l-Abbozz hu sabiex jirrazzjonalizza l-amministrazzjoni ta' ċerti artijiet amministrati separatament minn artijiet oħra li jappartjenu lill-Gvern u li huma preżentement amministrati taħt l-ismijiet ta' ċerti fondazzjonijiet u amministrazzjonijiet imwaqqfin taħt il-Gvern ta' Malta fi żmien l-Ordni ta' San Gwann u f'perjodi oħra ta' l-istorja ta' Malta.

**A BILL
entitled**

AN ACT to provide for the administration of lands

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:—

1. The title of this Act is the Government Land (Administration) Act, 2000, and shall come into force on such date as the Minister responsible for Lands may by Order in the Gazette establish. Short title and commencement.

2. For the purpose of this Act unless the context otherwise requires the term “land” includes all immovable things as well as all real rights over immovables. Interpretation.

3. Subject to the other provisions of this Act, with effect from the coming into force of this Act, all lands belonging to foundations and administrations, administered by the Government separate from the administration of other land belonging to the Government shall vest in the Government and the Government shall deal with and administer the land so vested in it in virtue of this Act in the same manner as other land belonging to the Government in absolute property and may dispose of such land accordingly and with effect from such commencement all liabilities of or due in connection with such administration shall become liabilities of or due to the Government by virtue of this Act and any payment so due to be made by the Government shall be a charge on the Consolidated Fund without further appropriation other than this Act. Vesting of land.

Effect on
emphyteusis etc.

4. Without prejudice to any consolidation of the directum dominium with the utile dominium happening on the vesting of the land as provided in article 3 of this Act, the provisions of that article shall not affect any emphyteusis or lease granted in respect of such land or any easement to which such land may be subject, and any such emphyteusis or lease shall for all purposes, be deemed to have been granted by the Government and be treated accordingly.

Obligations tied
to land vested
in Government.

5. With effect from the commencement of this Act, any burthen or charge to which any of the land referred in article 3 of this Act may, before the commencement of this Act, be subject to, and any other payment or performance that may, before the date aforesaid, be due in respect of any such assets, shall by virtue of this Act, cease to be such a burthen or charge on, or a payment or performance due in respect of any such land and any sum or other thing or act which but for the provisions of this article would have been due to be paid immediately before the commencement of this Act, shall as from such commencement, be due to be paid or made by the Government, and any payment so due shall be a charge on the Consolidated Fund without any further appropriation other than this Act.

Claims.

6. (1) Any person claiming a right of compensation in connection with the vesting of the land referred to in this Act in the Government shall have a right of access, by writ of summons against the Government, in the Civil Court, First Hall for the determination of his interest in or right over the land and the amount of any compensation to which he may be entitled and for the payment of such compensation.

(2) An appeal shall lie to the Court of Appeal from the decision of the Civil Court First Hall.

(3) No action under this article may be filed after the lapse of six months after the coming into force of this Act.

Objects and Reasons

The object of the Bill is to rationalise the administration of certain lands administered separately from other lands belonging to the Government and presently administered under the names of certain foundations and administrations set up under the Government of Malta during the rule of the Order of Saint John and other periods of Malta's history.