

MALTA

ATT Nru. XIV ta' l-1992

ATT maħruġ b'ligi mill-Parlament ta' Malta.

ATT biex jestendi l-Att dwar id-Djar, Kap. 125.

ACT No. XIV of 1992

AN ACT enacted by the Parliament of Malta.

AN ACT to extend the Housing Act, Cap. 125.

Naghti l-kunsens tiegħi.

(L.S.)

ĊENSU TABONE
President

4 ta' Awissu, 1992

ATT Nru. XIV ta' l-1992

ATT biex jestendi l-Att dwar id-Djar, Kap. 125

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

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1992 li Jestendi l-Att dwar id-Djar. Titolu fil-qosor
u bidu fis-sehh.

(2) Dan l-Att għandu jitqies li beda jsehh fit-13 ta' Frar, 1992.

2. (1) B'seħħ mid-data meta, skond l-artikolu 21 tiegħu, ikun hemm is-seħħ tiegħu, l-Att dwar id-Djar, Kap. 125, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali" riprodott fl-iskeda li tinsab ma' dan l-Att qiegħed b'dan jiġi promulgat mill-ġdid bla hsara għall-emendi kif inkorporati fl-imsemmi Att prinċipali kif riprodott fl-imsemmija skeda. Promulgar
mill-ġdid ta'
l-Att dwar id-Djar.

(2) L-Att prinċipali kif riprodott fl-iskeda li tinsab ma' dan l-Att u kif jista' jiġi emendat minn żmien għal żmien, għandu jseħħ għal perijodu ta' 3 snin li jibda fit-13 ta' Frar, 1992 u jista' jitkompla fis-seħħ bil-mod preskritt fil-proviso għall-artikolu 21 tiegħu.

Dispożizzjoni
transitorja.
Att XXXVII
ta' l-1989

3. Id-dispożizzjonijiet ta' l-artikolu 10 ta' l-Att ta' l-1989 li jemenda l-Att dwar id-Djar ghandhom, minkejja kull dispożizzjoni ta' dan l-Att, ikomplu japplikaw dwar kull bini fih imsemmi.

SKEDA

(Artikolu 2)

ATT DWAR ID-DJAR

Biex jipprovi biex jiżgura li jsibu fejn iġhammru lin-nies minghajr dar, biex jiżgura tqassim xieraq ta' postijiet fejn wiehed jista' jgħammar u biex jistghu jsiru rekwiżizzjonijiet ta' bini.

Titolu fil-qosor.

1. Dan l-Att jista' jissejjah l-Att dwar id-Djar.

Tifsir.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtiegħ xort'oħra —

“bini” tfisser dar jew bini ieħor, jew ishma minnhom, li jintużaw jew jistghu jintużaw għal għanijiet residenzjali, u jinkludi kull art jew ġnien li jagħmlu sehem shih, jew li huma magħluqin f'dik id-dar jew f'dak il-bini ieħor; iżda ma tinkludix fond li jista' jtfisser bħala hanut skond l-artikolu 2 ta' l-Ordinanza li tirregola t-Tiġdid tal-Kiri ta' Bini;

“Direttur għall-Akkomodazzjoni Soċjali” jew “Direttur” tfisser l-uffiċjal pubbliku mahtur mill-Prim Ministru sabiex ikun Direttur għall-Akkomodazzjoni Soċjali għall-finijiet ta' dan l-Att;

“Ministru” tfisser il-Ministru responsabbli għad-djar;

Iżda l-Ministru jista' b'kitba ffirmata minnu jiddelega s-setgħa u d-dmirijiet tiegħu taht dan l-Att jew x'uħud minnhom lil xi uffiċjal tal-Ministeru tiegħu u fil-limiti ta' din id-delega, jekk issir, kull riferenza għall-Ministru f'dan l-Att tkun tghodd għal dak l-uffiċjal;

“rekwiżizzjoni” tfisser it-tehdid ta' pussess ta' bini jew il-htieġa li l-bini jidhalla f'idejn l-awtorità li tohroġ ir-rekwiżizzjonijiet;

“rekwiżizzjonat” tfisser il-persuna jew persuni li mill-pussess tagħha jew tagħhom ikun mehud bini b'rekwiżizzjoni mahruġa mill-awtorità li tohroġ ir-rekwiżizzjonijiet.

3. (1) Jekk id-Direttur għall-Akkomodazzjoni Soċjali jidhirlu li hu mehtieġ jew xieraq li jagħmel hekk fl-interess pubbliku, iżda biss bil-għan biex jipprovdi lin-nies lok fejn wiehed jista' jgħammar jew biex jiżgura t-tqassim xieraq ta' dawk il-postijiet fejn wiehed jista' jgħammar, huwa jista' johroġ rekwiżizzjoni għal kull bini, u jista' jagħti struzzjonijiet li jidhirlu li huma mehtieġa jew xierqa sabiex ir-rekwiżizzjoni tista' jkollha effett u tkun tista' ssehħ.

Setgħa ta' hruġ ta' rekwiżizzjonijiet, effetti u twettiq.

(2) Ordni ta' rekwiżizzjoni li jsir skond is-subartikolu (1) ta' dan l-artikolu għandu jiġi notifikat lil min ikollu jedd għall-okkupazzjoni immedjata tal-bini rekwiżizzjonat, jew l-aġent jew rappreżentant tiegħu, u meta l-bini jkun qiegħed jinkera lil inkwilin, jew qiegħed għandu b'titolu ta' enfitewsi li jiskadi mhux iktar tard minn hames snin minn meta jinħareġ l-ordni, dan l-ordni għandu jiġi wkoll notifikat lis-sid jew lill-padrin dirett, skond il-każ, jew lill-aġent jew rappreżentant tagħhom:

Iżda meta t-titolu għal bini kif imsemmi qabel, jew għal min għandu jedd jokkupah, ikun jappartjeni lil iktar minn persuna waħda, in-notifika ta' l-ordni ta' rekwiżizzjoni li ssir lil persuna waħda minn dawk kollha għandu jkollha sehħ għar-rigward tat-titolu miżmum in komun ma' l-oħrajn, daqslikieku l-ordni kienet giet ukoll notifikata lil dawk il-persuni l-oħrajn kollha.

(3) Meta, sakemm tkun twettqet diligenza xierqa, min ikollu jiġi notifikat b'ordni ta' rekwiżizzjoni, jew l-aġent jew ir-rappreżentant tiegħu, ma jkunx jista' jinstab, jew jekk jinstab jirrifjuta li jaċċetta l-ordni, l-ordni ta' rekwiżizzjoni għandha titqies li tkun giet notifikata sew lil dik il-persuna u lil dawk il-persuni l-oħrajn li kienu jitqiesu li ġew notifikati bl-ordni li kieku din giet notifikata lil dik il-persuna, jekk jingħata avviż ta' l-ordni fil-Gazzetta tal-Gvern u f'mhux anqas minn tliet ġurnali oħrajn ta' kuljum ippubblikati f'Malta.

(4) Ordni ta' rekwiżizzjoni li jsir u jiġi notifikat skond id-dispożizzjonijiet ta' dan l-artikolu għandu jopera u jkollu effett sħiħ kontra kulhadd u jibqa' hekk operattiv u effettiv sakemm il-bini jiġi derekwiżizzjonat.

(5) Kull uffiċjal tal-Pulizija mhux taht ir-rank ta' surgent jista', fuq istruzzjonijiet tad-Direttur, jiehu dawk il-passi u jinqeda b'dik il-forza li jidhirlu mehtieġa skond ma jixraq biex jiżgura li qegħdin jitwettqu l-ordnijiet mogħtija lil persuna skond id-dispożizzjonijiet ta' dan l-artikolu jew ta' l-artikolu 9 ta' dan l-Att li bis-saħħa tagħhom ikun intalab li jċedi l-pussess ta' bini:

Iżda id-Direttur m'għandux jagħti dawn l-istruzzjonijiet kif imsemmija qabel hlief f'każijiet li għandhom x'jaqsmu ma'

rikostruzzjoni jew pjanifikazzjoni mill-ġdid, jew evakwazzjoni f'ghadd kbir, jew f'każ ta' okkupazzjoni mhix awtorizzata, jew f'każijiet oħra li d-Direttur ikun jidhirlu li huma urġenti, u sakemm dawn ikunu ġustifikati b'mod raġonevoli f'soċjetà demokratika.

(6) Meta bini li jkun ġie rekwizizzjonat taht dan l-artikolu jitbattal u jkun jappartjeni b'titolu assolut jew b'enfitewsi lil min jaghti prova għas-sodisfazzjon tad-Direttur li għandu hsieb li jiehu pussess tal-bini sabiex hemm jistabbilixxi r-residenza ordinarja tiegħu jew dik ta' xi hadd mit-tfal tiegħu, id-Direttur għandu jalloka l-bini lil dik il-persuna, jew lil xi hadd mit-tfal tiegħu kif imsemmi qabel, skond il-htieġa tal-każ; u jekk dik ir-residenza ordinarja tiġi fil-fatt hekk stabbilita fi żmien sitt xhur minn meta ssir l-allokkazzjoni, jew minn dak iż-żmien aktar tard li d-Direttur jista' għal raġuni valida jippermetti, u tkompli għal perijodu ta' mhux anqas minn sentejn, id-Direttur għandu, jekk hekk jintalab jagħmel, jidderikwizizzjona l-bini.

(7) Meta jkun inġhata ordni ta' rekwizizzjoni, u r-rekwizizzjonat jipprova b'sodisfazzjon tad-Direttur illi huwa ma jistax isib trasport għall-ġarr ta' l-ghamara jew hwejjeġ oħra li jinsabu fil-bini rekwizizzjonat, jew lok ieħor fejn jahżinhom, ikun dmir tad-Direttur li jipprovdi dak il-mezz tal-ġarr u lok għall-ħażna ta' l-ghamara jew hwejjeġ oħra alternattiv kif ikun meħtieġ, mingħajr hsara għad-dispożizzjonijiet tas-subartikolu (9) ta' dan l-artikolu.

(8) Meta xi ordni ta' rekwizizzjoni ma jiġix obdut jew meta wara t-tweġġ ta' kull diligenza xierqa, hadd ma jinstab li għandu l-jedd dirett li jgħammar fil-bini rekwizizzjonat jew il-prokuratur tiegħu jew min jidher għalih, id-Direttur jista' jagħti dawk l-ordnijiet li jidhirlu xieraq għall-ġarr u ħażna ta' l-ghamara jew hwejjeġ li jistabu fil-bini:

Izda qabel ma jsir dan il-ġarr għandu jsir inventarju ta' l-ghamara jew hwejjeġ imsemmija qabel li għandu jkun iffirmit mid-Direttur jew rappreżentant tiegħu quddiem uffiċjal tal-Pulizija mhux taht ir-rank ta' surġent, li għandu jżid ukoll il-firma tiegħu f'dak l-inventarju.

(9) F'kull każ meta l-ġarr jew lok għall-ħażna ta' l-ghamara jew hwejjeġ huwa pprovdut mid-Direttur skond dan l-artikolu, din l-ghamara jew hwejjeġ għandhom, matul il-ġarr u ħażna jibqgħu b'sogru ta' sidhom waħdu u għal dak li hu ħażna l-ispejjeż tiegħu wkoll; u ebda hlas ma jkun misthoqq dwar xi nuqqas fihom jew hsara li tiġrilhom jekk jiġi ppruvat illi dak in-nuqqas jew dik il-hsara ma kenitx għal minhabba traskuragni tad-Direttur jew nies li kienu jaqduh.

(10) Filwaqt li bini jkun f'idejn id-Direttur bis-saħħa ta' dan l-Att, il-bini jista' jintuża biss għall-finijiet imsemmija fis-subartikolu (1) ta' dan l-artikolu, izda hlief kif imsemmi qabel, id-Direttur, sa fejn jidhirlu li jkun meħtieġ jew xieraq dwar it-tehid ta' pussess jew użu tal-bini bis-saħħa ta' dan l-Att, jista' jagħmel, jew jawtorizza lill-persuni li jużaw il-bini biex jagħmlu, dwar il-bini, kull haġa illi kull persuna li għandha nteress bla tirzin fil-bini kien ikollha l-jedd li tagħmel bis-saħħa ta' dak l-interess.

4. (1) Kull persuna, jekk mitluba mid-Direttur jew f'ismu, li tagħmel hekk, għandha tagħti lid-Direttur jew lil dik il-persuna l-oħra kif ikun imsemmi fit-talba, dak it-tagħrif li hija jkollha dwar xi bini, meta dak ikun tagħrif li bir-raġun jista' jintalab minghandha dwaru, jew li d-Direttur jidhirlu meħtieġ għat-tehid tal-pussess ta' xi bini jew dwar it-tqegħid ta' persuni f'dak il-bini biex igħammru fih, kif jista' jkun hemm imsemmi.

Setgħa tad-Direttur li jitlob tagħrif.

(2) Id-Direttur jew kull persuna oħra imqabba bil-miktub għalhekk mid-Direttur tista' titlob li kull tagħrif meħtieġ taħt l-aħħar subartikolu qabel dan jingħata bil-miktub u li d-dikjarazzjoni tkun minn idejn il-persuna li tagħti t-tagħrif. Meta persuna ma tkunx taf tikteb id-Direttur jew, kif jista' jagħti l-każ; persuna oħra kif hawn fuq imsemmi, tista' titlob illi d-dikjarazzjoni mill-persuna li tagħti t-tagħrif tiġi mmarkata minn dik il-persuna quddiem żewġ xhieda li għandhom jagħmlu minn idejhom fuq id-dikjarazzjoni.

(3) Kull min xjentement jagħti xi nformazzjoni taħt id-dispożizzjonijiet preċedenti ta' dan l-artikolu li tkun qarrieqa jew skorretta f'xi fatt partikolari tagħha, ikun hati ta' reat skond dan l-Att u jehel, meta jinstab hati, multa ta' mhux inqas minn mitt lira iżda mhux iżjed minn hames mitt lira jew prigunerija għal żmien ta' mhux inqas minn hmistax-il jum u mhux iżjed minn tliet xhur jew għal dik il-multa u prigunerija flimkien.

5. (1) Bla hsara tad-dispożizzjonijiet tas-subartikolu li ġej hawn wara dan, id-Direttur jkollu l-istess drittijiet u dmirijiet dwar it-tiswijiet u manutenzjoni ta' bini meħud b'rekwizzjoni bħalma għandu kerrej taħt id-dispożizzjonijiet fuq hekk tal-Kodiċi Ċivili.

Manutenzjoni, tiswijiet, benefikati u hwejjeġ mwahħlin f'bini meħud b'rekwizzjoni.

(2) Meta bini li kien f'idejn id-Direttur taħt id-dispożizzjonijiet ta' dan l-Att jitbattal, id-Direttur (jekk is-sid ma jippreferix li jzomm u jhallas kumpens skond l-artikolu 1564 tal-Kodiċi Ċivili), jista' jneħhi l-hwejjeġ imwahħlin jew benefikati oħra ta' kull xorta li jkun saru fih matul iż-żmien tar-rekwizzjoni, billi jhallas lill-rekwizzjonat għall-hsara li setgħat saret bit-tqegħid jew bit-tneħhija ta' dawk il-hwejjeġ mwahħlin jew benefikati oħra.

6. Il-pussess ta' kull bini li jkun ittiehed mill-Ministru jew minn awtorità kompetenti oħra taħt, jew bis-saħħa tar-Regolamenti ta' l-1939 għal Malta dwar id-Difiża†, jew taħt, jew bis-saħħa, tar-Regolamenti ta' l-1942, dwar l-Uffiċċju tal-Protezzjon imxandrin bin-Notifikazzjoni tal-Gvern Nru. 435 tal-20 ta' Awissu, 1942*, għandu, jekk il-bini fil-jum li fih dan l-Att johroġ b'ligi jkun għadu fil-pussess tal-Ministru jitqies li kien ittiehed taħt id-dispożizzjonijiet ta' dan l-Att.

L-ordnijiet ta' rekwizzjoni magħmulin qabel ma dan l-Att hareġ b'ligi jghoddu taħt dan l-Att.

7. Kull bini li kien fil-pussess tal-Ministru jew li kien f'idejh jew miżmum minnu bis-saħħa ta' rekwizzjoni magħmula skond id-dispożizzjonijiet ta' dan l-Att, u li dwaru ma kenitx inholqot lokazzjoni jew sullokazzjoni bis-saħħa ta' l-artikolu 8 ta' dan l-Att, għandu jitqies li

Trasferiment lid-Direttur ta' bini rekwizzjonat.

† M'għadhomx isehhu.

* Revokati b'Notifikazzjoni tal-Gvern Nru. 323 tal-25 ta' Mejju, 1949.

kien rekwiżizzjonat mid-Direttur u li jkun fil-pussess tiegħu jew f'idejha jew miżmum minnu, skond il-każ.

Rikonoxximent mis-sid jew minn persuna li tagħmel minnu ta' persuni ipprovduti mid-Direttur b'fejn iġhammru f'bini meħud b'rekwiżizzjoni.

8. (1) Meta xi persuni jkunu ġew ipprovduti fejn iġhammru f'bini miżmum permezz ta' rekwiżizzjoni, id-Direttur jista' f'kull żmien, b'ittra uffiċjali, jordna lir-rekwiżizzjonat li jirrikonoxxi bhala kerrejja lill-persuni li jkunu hekk ipprovduti jew bhala sullokaturi tal-bini, skond il-każ.

(2) Fi żmien tletin jum minn meta jiġi nnotifikat b'ittra uffiċjali taht l-aħħar subartikolu qabel dan, ir-rekwiżizzjonat, b'rikors quddiem il-Prim'Awla tal-Qorti Ċivili b'kontestazzjoni tad-Direttur jista' jitlob għall-awtorizzazzjoni sabiex ma joqghodx għal dik it-talba:

Iżda, fil-każ li l-bini jkun ġie meħud b'rekwiżizzjoni minghand il-kerrej, dan ta' l-aħħar, b'ittra uffiċjali li għandha tiġi pprezentata fi żmien hmistax il-jum minn meta jkun ġie nnotifikat bl-ittra uffiċjali li hemm imsemmija fl-aħħar subartikolu qabel dan, jista' jgħarraf lid-Direttur illi huwa ma jixtieq jissokta jibqa' fil-kera, u meta jsir dan id-Direttur jkollu l-jedd li jiehu passi taht l-aħħar subartikolu qabel dan kontra s-sid.

(3) Il-qorti ma tagħtix l-awtorizzazzjoni sabiex ma jsirx skond it-talba imsemmija fl-aħħar subartikolu qabel dan kemm-il darba ir-rikorrent ma jurix b'sodisfazzjon tal-qorti illi jekk huwa joqghod għal dik it-talba huwa jbati konsegwenzi horox:

Iżda d-dikjarazzjoni illi r-rekwiżizzjonat jixtieq li jiehu pussess tal-bini għall-użu tiegħu innifsu jew għall-użu ta' xi hadd tal-familja tiegħu ma titqiesx fiha nfisha bhala tbatija ta' konsegwenza harxa għall-finijiet ta' dan is-subartikolu.

(4) Kull sullokazzjoni li tinholq bis-saħħa ta' dan l-artikolu ma titqiesx li hija sullokazzjoni għall-finijiet ta' l-artikolu 9 ta' l-Ordinanza li tirregola t-Tiġdid ta' Kiri ta' Bini.

(5) Ebda jedd ta' preferenza taht il-Kodiċi Ċivili jew taht l-Ordinanza li Trażżan il-Kera fuq id-Djar ma jkun kompetenti dwar xi kirja jew sollukazzjoni mahluqa bis-saħħa ta' dan l-artikolu.

(6) Meta tinholq lokazzjoni jew sullokazzjoni bis-saħħa ta' dan l-artikolu, f'dan il-każ, kemm-il darba ma jsirx ftehim kuntrarju permess mill-liġi, jitqies li jkun sar bejn ir-rekwiżizzjoni tal-fond u l-persuna li tkun tinsab fih kuntratt ta' lokazzjoni jew sullokazzjoni tal-bini taht il-kondizzjonijiet soliti stabbiliti mill-Bord li Jirregola l-Kera mwaqqaf bis-saħħa ta' l-Ordinanza li tirregola t-Tiġdid tal-Kiri ta' Bini u għal żmien tliet xhur, li jibda minn dak in-nhar tar-rikonoxximent definitiv, u jkollu jithallas kera li jkun daqs l-ammont perjodiku mħallas jew li għandu jithallas mid-Direttur bhala kumpens għall-okkupazzjoni tal-bini, bit-tliet xhur bil-quddiem.

Kap. 69.

Kap. 12.
Kap. 116.

Kap. 69.

9. Meta persuna tkun qeghda f'bini rekwiżizzjonat taht dan l-Att, id-Direttur jista', ukoll jekk dik il-persuna thallas kumpens talli tkun qeghda hemmhekk, jordnalha li titlaq minn dak il-bini u thalli f'idejh dak il-bini f'dak iż-żmien li d-Direttur jista' jistabilixxi, jekk huwa jidhirlu li dik il-persuna ma tkunx qeghda tuża l-bini ghal ghanijiet residenzjali, jew tkun sid ta' jew ghandha jew li b'mod iehor pprovduta b'bini iehor li tista' tuża' bhala residenza taghha u tal-familja taghha, jew jekk ikun raġonevolment meħtieġ li wiehed jaġixxi b'dan il-mod fl-interess tad-difiża, sigurtà pubblika, ordni pubblika jew sahha pubblika.

Setgħa tad-Direttur li jordna l-inkwilin ta' bini rekwiżizzjonat jitolqu.

10. Id-Direttur jew kull persuna oħra imqabnda bil-miktub ghalhekk mid-Direttur jista' jidhol f'kull bini f'kull hin xieraq sabiex jiehu informazzjonijiet li bihom jista' jmxexxi xi setgħa jew setgħat tiegħu taht dan l-Att.

Setgħa tad-Direttur li jidhol fil-bini.

11. (1) Bla ħsara ta' dak li hemm stabbilit hawn iżjed il-quddiem, il-kumpens li għandu jithallas dwar ir-rekwiżizzjoni ta' bini ikun l-għadd ta' dawn is-somom flimkien, jiġifieri —

Kumpens li għandu jithallas dwar bini meħud b'rekwiżizzjoni.

(a) somma li tkun daqs il-kera li għandu skond ir-raġuni jithallas minn kerrej li qieghed iġhammar fil-bini matul iż-żmien li għalih qed jinżamm il-pussess tal-bini bis-sahha tad-disposizzjonijiet ta' dan l-Att, bis-sahha ta' kiri mogħti minnufih qabel il-bidu ta' dak iż-żmien:

Iżda meta l-bini huwa wżat mid-Direttur jew minn xi persuna li tkun imqieghda fih wara rekwiżizzjoni bhala dar skond it-tifsira tal-kelma fl-Ordinanza li Trażżan il-Kera fuq id-Djar, il-kera m'għandux ikun iżjed mill-kera xieraq kif imfisser fl-artikolu 2 ta' dik l-Ordinanza;

Kap. 116.

(b) somma li tkun daqs l-ispiza għat-tiswija ta' kull ħsara lill-bini li setgħet ġrat matul iż-żmien li fih inżamm b'rekwiżizzjoni l-pussess tal-bini (hlief sa fejn il-ħsara tkun issewwiet matul dak iż-żmien minn min ikun iġhammar fil-bini meħud b'rekwiżizzjoni jew minn persuna li tkun qieghda tidher f'isem id-Direttur), bla ma tinghad ebda ħsara li, taht id-disposizzjonijiet ta' dan l-Att, għandu jagħmel tajjeb għaliha r-rekwiżizzjonat;

(ċ) somma li tkun daqs in-nefqa li nharġet skond ma jixraq, li ma tkunx inharġet f'isem id-Direttur, sabiex isir skond xi ordni mogħti mid-Direttur jew f'ismu dwar it-teħid ta' pussess tal-bini, iżda mingħajr ħsara għal dak li nġhad fis-subartikolu (5) ta' l-artikolu 3.

(2) Kull kumpens taht il-paragrafu (a) tas-subartikolu (1) ta' dan l-artikolu għandu jitqies li jisthoqq minn jum għal iehor matul iż-żmien li fih jinżamm il-pussess tal-bini bis-sahha tas-setgħat mogħtijin lid-Direttur b'dan l-Att, għandu jingħadd għaž-żmien kif imsemmi hawn fuq; u għandu jithallas lill-persuna illi minn żmien għal iehor kien ikollha l-jedd li tghammar fil-bini li kieku ma kienx meħud b'rekwiżizzjoni; iżda d-disposizzjonijiet ta' dan is-subartikolu m'għandhomx jithaddmu hekk illi bih il-hlasijiet mid-Direttur jsiru b'inqas minn tliet xhur bejniethom.

(3) Kull kumpens taht il-paragrafu (b) tas-subartikolu (1) ta' dan l-artikolu jisthoqq fl-ahhar taz-żmien li fih jinżamm il-pussess tal-bini bis-saħħa tas-setgħat mogħtijin lid-Direttur b'dan l-Att, u għandu jithallas lill-persuna li f'dak il-hin tkun tagħmel mill-bini.

(4) Kull kumpens taht il-paragrafu (ċ) tas-subartikolu (1) ta' dan l-artikolu jisthoqq fiż-żmien meta ssir in-nefqa li minhabba fiha għandu jithallas il-kumpens, u għandu jithallas lill-persuna li tkun harġet dik in-nefqa jew li f'isimha tkun saret.

Iffissar ta' kumpens.
Kap. 69.

12. (1) Il-kumpens taht il-paragrafu (a) tas-subartikolu (1) ta' l-artikolu 11 għandu, filkażijiet kollha, ikun iffissat mill-Bord li Jirregola l-Kera mwaqqaf taht l-Ordinanza li tirregola t-Tiġdid ta' Kiri ta' Bini illi għal dak l-iskop għandu jkollu ġurisdizzjoni esklusiva sugġetta għal appell fil-każi li jaqghu taht dik l-ordinanza:

Kap. 116.

Iżda, dwar dar kif hemm imfisser fl-Ordinanza li Trażżan il-kera fuq id-Djar, li l-pussess tagħha tteħed mill-awtorità li tohroġ ir-rekwizzjonijiet qabel it-22 ta' Frar 1946 u, meta jsir ir-rikors hawn taht imsemmi, ikun għadu miżmum minn dik l-awtorità, l-awtorità li tohroġ ir-rekwizzjonijiet jew rekwizzjonat jista' f'kull żmien jitlob lill-imsemmi Bord għall-iffissar tal-kera xieraq kif imfisser fl-artikolu 2 ta' l-Ordinanza li ssemmiet l-ahhar, u dak il-kera xieraq għandu jkun il-kumpens misthoqq taht il-paragrafu (a) tas-subartikolu (1) ta' l-artikolu 11 dwar dak il-pussess mill-jum tan-notifika tar-rikors lir-rekwizzjonat jew lil min jidher għalih jew, skond il-każ, lill-awtorità li tohroġ ir-rekwizzjonijiet.

(2) Il-kumpens taht il-paragrafi (b) u (ċ) tas-subartikolu (1) ta' l-artikolu 11 ta' dan l-Att, fil-każ ta' nuqqas ta' ftehim, għandu jiġi iffissat mill-prim Awla tal-Qorti Ċivili.

Kumpens iffissat qabel ma' johroġ b'liġi dan l-Att.

13. Kull kumpens li, qabel ma jibda jsehh dan l-Att, ikun ġie iffissat skond il-liġi għandu jitqies li jkun ġie hekk iffissat taht u għall-finijiet ta' dan l-Att, iżda ma' dan kollu mingħajr hsara għad-disposizzjonijiet li hemm fis-subartikolu (1) ta' l-artikolu 12.

Setgħa li jagħmel regolamenti.

14. Il-Ministru jista' jagħmel u, meta jkun għamel, jemenda, iħassar jew iħassar u jerġa johroġ b'liġi mill-ġdid regolamenti sabiex jitmexxew id-disposizzjonijiet ta' dan l-Att, u, b'mod partikolari, iżda bla hsara għall-ġeneralità ta' dik is-setgħa, għall-iskopijiet kollha jew għal xi wieħed mill-iskopijiet li ġejjin:

(a) sabiex iġieghel li jingħata tagħrif dwar bini, jew xi klassi ta' bini, it-tagħmir u użu tagħhom;

(b) sabiex jinżamm tqassim xieraq ta' postijiet fejn wieħed jista' jgħammar;

(ċ) sabiex jistabilixxi, mingħajr jożboq l-oghla limiti imsemmi fl-artikolu 17 ta' dan l-Att, pieni speċjali li jghoddu dwar ksur ta' xi regolament li jkun hekk magħmul;

(d) sabiex jistabbilixxi d-drittijiet relattivi għall-ħażna u sabiex jipprovdi għat-tehid lura ta', jew xi jsir minn, għamara jew oġġetti, magħdud il-bejgħ tagħhom, li jkunu tnehhew minn bini rekwiżizzjonat skond dan l-Att:

Iżda r-regolamenti msemmijin fl-Iskeda li hemm ma' dan l-Att għandhom jitqiesu li huma regolamenti magħmulin bis-saħħa ta' dan l-Att u għandhom jibqgħu fis-seħħ sakemm jiġu emendati jew imħassrin mill-Ministru bis-saħħa tas-setgħat mogħtijin lilu minn dan l-artikolu.

15. Xejn milli hemm f'dan l-Att ma għandu jagħti ebda jedd lil xi ħadd li jitlob għalih jew għal xi haddiehor il-ħidma tas-setgħa li johroġ rekwiżizzjoni jew setgħa oħra mogħtija lill-Ministru.

Tirzin ta' setgħat taht dan l-Att.

16. Mingħajr ħsara għal kull disposizzjoni speċjali li hemm f'dan l-Att, ordni ta' rekwiżizzjoni jew avviz li għandu jkun notifikat lil xi ħadd għall-finijiet ta' dan l-Att jew ta' xi regolament magħmul bis-setgħa mogħtija minn dan l-Att, jista' jiġi nnotifikat billi jinbagħat bil-posta b'ittra reġistrata indirizzata lil dik il-persuna fl-aħħar post jew fil-post tas-soltu fejn dik il-persuna toqgħod jew tinnegozja, u għandu jitqies, kemm-il darba ma jkunx hemm prova kuntrarja, illi wasal għand min kien indirizzat skond il-kors normali tas-servizz tal-posta.

Notifika ta' avvizi taht dan l-Att jew regolamenti mahruġin bis-saħħa ta' dan l-Att.

17. (1) Kull min, mingħajr skuża legittima, li l-prova tagħha tmiss lilu, jikser xi ordni mogħti jew xi regolament magħmul bis-saħħa ta' dan l-Att, sew billi jagħmel xi haġa li hu m'għandux jagħmel jew billi ma jagħmilx xi haġa li għandu jagħmel, jew billi ma jhallix lil ħadd iehor jagħmel xi haġa illi dan l-iehor għandu jagħmel jew li huwa mħolli li jagħmel, jew billi jhassar jew jisfratta xi haġa illi haddiehor ikun għamel taht id-disposizzjonijiet ta' dan l-Att jew ta' xi ordni jew regolament magħmul bis-saħħa tiegħu, jew billi jfixkel jew ixekkel lid-Direttur jew lil kull persuna oħra li tidher b'ismu jew taht l-awtorità tiegħu ikun ħati ta' reat taht dan l-Att, u jista' meta jinsab ħati minn qorti, jehel multa ta' mhux inqas minn mitt lira iżda mhux iżjed minn ħames mitt lira jew priġunerija għal żmien minn ħmistax il-ġurnata sa tliet xhur jew għal dik il-multa u dik il-priġunerija flimkien:

Disposizzjonijiet dwar il-piena.

Iżda kull min jagħmel reat kontra id-disposizzjonijiet li hemm fis-subartikoli (1) u (2) ta' l-artikolu 4 ta' dan l-Att, jehel, meta jinsab ħati, multa ta' mhux inqas minn ħames liri iżda mhux iżjed minn mitt lira jew priġunerija għal żmien minn ħmistax il-ġurnata sa tliet xhur jew dik il-multa u dik il-priġunerija flimkien.

(2) Fil-każ ta' reat bħal dan, il-qorti, minbarra li tagħti l-piena jew tapplika l-provvedimenti ta' l-artikoli 5 u 9 ta' l-Att dwar il-*Probation* ta' Hatjin għandha tordna lill-ħati, fejn il-każ jihtieg hekk, li joqgħod għal-liġi f'dak iż-żmien li jkun biżżejjed għal dak l-iskop u li jkun iffissat mill-qorti; u jekk il-ħati ma joqgħodx għall-ordni bħal dan fiż-żmien hekk iffissat, huwa jkun jista' jehel ammenda ta' minn ħamsin ċenteżmu sa għaxar liri għal kull jum li fiha jdum in-nuqqas wara li jagħlaq dak iż-żmien.

Kap. 152.

(3) Il-qorti tista' tordna wkoll illi dak li hu fisikament mehtieg mil-ligi jsir mill-Pulizija, bi spejjez tal-hati, u f'dan il-każ il-hati jista' jkun mgjeghel irodd in-nefqa b'mandat mahruġ mill-qorti.

(4) Is-setgħat mogħtijin lill-qorti bis-subartikoli (2) u (3) ta' dan l-artikolu għandhom jitqiesu li huma mingħajr hsara għas-setgħat tad-Direttur taht l-artikolu 3 jew għal kull setgħa ohra mogħtija jew li għad tista' tingħata lilu jew lil kull persuna ohra b'xi regolament.

Kompetenza
dwar reati taht
dan l-Att.
Kap. 9.

18. (1) Kull reat taht dan l-Att jew taht xi ordni jew regolament magħmul bis-saħħa tiegħu għandu, għall-finijiet tal-Kodiċi Kriminali, jingħadd mal-kontravvenzjonijiet, saħansitra meta l-piena maħsuba għal dak ir-reat tkun oghla minn dawk stabbiliti fl-imsemmi Kodiċi dwar il-kontravvenzjonijiet:

Iżda l-preskrizzjoni ta' kull azzjoni kriminali li tinqala minn xi disposizzjoni ta' dan l-Att għandha tkun ta' sena, kemm-il darba ma jkunx mehtieg żmien itwal taht xi ligi ohra dwar xi reat speċifiku.

(2) Kull piena stabbilita għal xi reat taht dan l-Att għandha titqies li hija hekk stabbilita mingħajr hsara ta' kull piena akbar li tista' tghodd għal dak ir-reat taht xi ligi ohra meta ċ-ċirkostanzi msemmijin f'dik il-ligi l-ohra jinsabu fl-egħmil tar-reat. F'kull każ bħal dan, għandha tghodd il-piena stabbilita f'dik il-ligi l-ohra.

(3) Kull proċediment dwar reat taht dan l-Att għandu jittressaq mill-Pulizija fil-Qorti tal-Maġistrati tal-Pulizija Ġudizzjarja, li tkun qiegħda bħala Qorti ta' Ġudikatura Kriminali.

Kap. 9.

(4) B'dak kollu li jingħad fid-disposizzjonijiet ta' l-artikolu 413 tal-Kodiċi Kriminali, kull deċiżjoni tal-Qorti tal-Maġistrati tal-Pulizija Ġudizzjarja dwar reat taht dan l-Att tista', f'kull każ, tiġi appellata mill-Avukat Ġenerali u minn min ikun instab hati.

Offiżi minn
persuni
nkapaċitati
jew imsiefrin.

19. (1) Meta l-persuna suppost hatja ma tkunx tista', minhabba mard tal-mohħ jew inkapaċità fizika, tidher quddiem il-qorti, jew tkun imsiefra minn Malta jew tkun harbet, u d-Direttur jistqarr b'għurament illi hemm għaġla kbira illi l-ligi tkun imwettqa, il-qorti għandha tordna illi ċ-ċitazzjoni tkun notifikata lil xi rappreżentant skond il-ligi, li jkun magħruf, tal-persuna suppost hatja jew lil persuna magħrufa li fil-fatt tiegħu hsieb il-persuna suppost hatja, jew, jekk il-persuna suppost hatja ma jkollha ebda persuna magħrufa li skond il-ligi tirrappreżentaha jew ma tkunx fil-fatt taht il-kustodja ta' ebda persuna magħrufa, lir-raġel jew lill-mara tal-persuna suppost hatja jew lil min jiġi minnha fil-qrib mid-demmi jew bi żwieġ jew lil xi persuna ohra, jekk ikun hemm, li f'idejha jkollha fdata t-tmexxija tal-proprjetà tagħha.

(2) F'kull każ bħal dan il-qorti għandha tapplika d-disposizzjonijiet ta' dan l-Att; iżda jekk ikun hemm għalfejn tiġi mogħtija xi piena taht is-subartikoli (1) u (2) ta' l-artikolu 17 lil dik il-persuna hatja, il-qorti għandha, biex tivverifika jekk il-piena għandhiex tiġi applikata, taggorna l-każ sa ma dik il-persuna tkun fi stat li tiġi proċessata jew sa ma terġa' lura mis-safar.

20. (1) Il-kawzi kollha dwar reati taht dan l-Att għandhom jitqiesu li huma mgħagġlin u li ma jistgħux jiddewmu, għall-finijiet ta' l-artikoli 361 u 364 tal-Kodiċi Kriminali. Proċedura u
appelli.
Kap. 9.

(2) Għall-appell minn deċiżjoni dwar reat taht dan l-Att, ir-rikors imsemmi fl-artikolu 417 tal-Kodiċi Kriminali għandu jiġi pprezentat fi żmien jumejn tax-xogħol, u, fil-kas ta' appell minn deċiżjoni tal-Qorti tal-Maġistrati tal-Pulizija Ġudizzjarja għall-Gzejjer ta' Għawdex u Kemmuna, fi żmien hamest ijiem tax-xogħol. Dawn il-perijodi ta' żmien għandhom jitqiesu skond kif iġid dak l-artikolu. Kap. 9.

21. Mingħajr hsara għal dak li jingħad hawnhekk iżjed 'il quddiem, dan l-Att għandu jibqa' jsehh għaż-żmien imsemmi fis-subartikolu (2) ta' l-artikolu 2 ta' l-Att ta' l-1992 biex Jestendi l-Att dwar id-Djar, u ma' eġhluq dak iż-żmien għandu jtemm: Sehh ta'
dan l-Att.

Iżda, jekk, f'xi żmien fil-waqt li dan l-Att ikun qed isehh il-Kamra tad-Deputati tgħaddi Riżoluzzjoni illi dan l-Att għandu jibqa' jsehh għal żmien ieħor li ma jkunx iktar minn tliet snin miż-żmien li xort'ohra jtemm, dan l-Att għandu jibqa' jsehh għal dak iż-żmien miżjud.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 45 tat-28 ta' Lulju, 1992.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati.

I assent.

(L.S.)

ĈENSU TABONE
President

4th August, 1992

ACT No. XIV of 1992

AN ACT to extend the Housing Act, Cap. 125.

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. (1) This Act may be cited as the Housing (Extension) Act, 1992.

(2) This Act shall be deemed to have come into force on the 13th February, 1992.

Re-enactment of Housing Act.

2. (1) With effect from the date when, in accordance with section 21 thereof its operativeness would have expired, the Housing Act, Cap. 125, hereinafter referred to as “the principal Act” reproduced in the schedule to this Act is being hereby re-enacted subject to the amendments as incorporated in the said principal Act as reproduced in the said schedule.

(2) The principal Act as reproduced in the schedule to this Act and as may from time to time be amended, shall be operative for a period of 3 years commencing on the 13th day of February 1992 and may be continued in force in the manner prescribed in the proviso to section 21 thereof.

3. The provisions of section 10 of the Housing (Amendment) Act, 1989 shall, notwithstanding any of the provisions of this Act, continue to apply in relation to any building therein referred to.

Transitory
provision.
Act XXXVII
of 1989.

SCHEDULE

(Section 2)

HOUSING ACT

To make provision for securing living accommodation to the homeless, for ensuring a fair distribution of living accommodation and for the requisitioning of buildings.

1. This Act may be cited as the Housing Act.

Short title.

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

Interpretation.

“building” means a house or other building, or part thereof, used or capable of use for residential purposes, and includes any land or garden forming an integral part, or enclosed within the precincts, of such a house or other building; but does not include a tenement falling within the definition of shop under section 2 of the Reletting of Urban Property (Regulation) Ordinance;

“Director of Social Housing” or “Director” means the public officer appointed by the Prime Minister to be the Director of Social Housing for the purposes of this Act;

“Minister” means the Minister responsible for housing;

Provided that the Minister may, by writing under his hand, delegate all or any of his powers and duties under this Act to any officer of his Ministry, and, to the extent of such delegation, if made, any reference to the Minister in this Act shall include a reference to such officer;

“requisition” means take possession of a building or require the building to be placed at the disposal of the requisitioning authority;

“requisitionee” means the person or persons from whose possession a building has been requisitioned by the requisitioning authority;

Power to requisition, effects and enforcement.

3. (1) If it appears to the Director of Social Housing to be necessary or expedient so to do in the public interest, but only for the purpose of providing living accommodation to persons or of ensuring a fair distribution of such living accommodation, he may requisition any building, and may give such directions as appear to him to be necessary or expedient in order that the requisition may be put into effect and complied with.

(2) A requisition order made under subsection (1) of this section shall be served on the person entitled to the immediate occupation of the building requisitioned, or his agent or representative, and where the building, is held by the occupant on lease, or on a temporary emphyteusis expiring not later than five years from the date of the order, it shall also be served on the landlord or the direct owner, as the case may be, or their agent or representative:

Provided that where a title to any building as aforesaid, or to its occupancy, belongs to more than one person, service of the requisition order on any one of such persons shall, in respect of the title held in common with others, have effect as if it had been served also on all such other persons.

(3) Where, after the exercise of due diligence, any person on whom a requisition order is to be served, or his agent or representative, cannot be found, or if found refuses to accept the order, the requisition order shall be deemed to have been validly served on such person, and on such other persons as would have been deemed to be served with the order had it been served on such persons, if notice of the order is given in the Government Gazette and in not less than three daily newspapers published in Malta.

(4) A requisition order made and served in accordance with the provisions of this section shall operate and have full effect against all persons and shall remain so operative and effective until the building is derequisitioned.

(5) Any police officer not below the rank of sergeant may, on instructions from the director, take such steps and use such force as appear to him to be reasonably necessary for securing compliance with directions given to any person under the provisions of this section or of section 9 of this Act requiring him to give up possession of the building:

Provided that the Director shall not give such instructions as aforesaid except in cases connected with reconstruction or with replanning, or with mass evacuation, or in the case of unauthorized occupation, or in other cases which the Director deems urgent, and except so far as they are reasonably justifiable in a democratic society.

(6) Where a building requisitioned under this section is vacated and belongs in absolute ownership or on emphyteusis to a person who proves to the satisfaction of the Director that he intends to take possession of the building to establish therein his ordinary residence or that of any of his children, the Director shall allocate the building to such person, or any of his children aforesaid, as the case may require; and if such ordinary residence is in fact so established within six months from the date of the allocation, or such later date as the Director may for a good reason allow, and continues for a period of not less than two years, the Director shall, if he is so requested, derequisition the building.

(7) Where a requisition order has been made, and the requisitionee shows to the satisfaction of the Director that he is unable to procure transport for the removal of, or alternative storage place for, the furniture or other articles existing in the building requisitioned, it shall be the duty of the Director to provide such means of transport and alternative storage place as may be required, without prejudice to the provisions contained in subsection (9) of this section.

(8) Where any requisition order is not complied with, or where, after the exercise of due diligence, no person having the right of immediate occupation of the building requisitioned, or his agent or representative, can be found, the Director may give such orders as he may think fit for the removal and storage of the furniture or articles existing in the building:

Provided that before such removal an inventory of the furniture or articles aforesaid shall be made and signed by the Director or his representative in the presence of a police officer not below the rank of sergeant, who shall also affix his signature to the inventory.

(9) In every case where the transport or storage of furniture or articles is provided by the Director under this section, such furniture or articles shall, during transport and storage, remain at the sole risk of the owner thereof and, in respect of storage, likewise at his charge; and no compensation shall be payable in respect of any deficiency therein or damage thereto if it is proved that such deficiency or damage was not caused by negligence on the part of the Director or persons acting on his instructions.

(10) While a building is in the possession of the Director by virtue of this Act, the building may be used only for the purposes set out in subsection (1) of this section, but, save as aforesaid, the Director, so far as it appears to him to be necessary or expedient in connection with the taking of possession or use of the building in pursuance of this Act, may do, or authorise persons using the building to do, in relation to the building, anything which any person having an unrestricted interest in the building would be entitled to do by virtue of that interest.

4. (1) Any person, if requested by or on behalf of the Director so to do, shall furnish to the Director, or to such person as may be specified in the request, such information in his possession relating to any building, being information which may reasonably be demanded of

Director's power to require information.

him in connection with, or which the Director deems necessary for, the taking of possession of any building or with the accommodation of persons therein, as may be specified.

(2) The Director or any other person deputed in writing by the Director for the purpose may require any information required under the last preceding subsection to be given in writing and the statement to be signed by the person giving the information. In the case of an illiterate person, the Director or, as the case may be, any other person aforesaid may require the statement by the person giving the information to be marked by that person in the presence of two witnesses who shall sign the statement.

(3) Whosoever knowingly gives an information under the foregoing provisions of this section which is false or incorrect in any material particular shall be guilty of an offence under this Act and shall be liable, on conviction, to a fine (*multa*) of not less than one hundred liri bit not exceeding five hundred liri or to imprisonment for a period of not less than fifteen days and not exceeding three months, or to both such fine and imprisonment.

Maintenance, repairs, improvements and fixtures in requisitioned premises.

5. (1) Subject to the provisions of the next following subsection, the Director shall have the same rights and obligations in respect of repairs and maintenance of a requisitioned building as tenant under the relevant provisions of the Civil Code.

(2) When a building which has been in the possession of the Director under the provisions of this Act is vacated, the Director (unless the requisitionee prefers to retain same paying compensation as laid down in section 1564 of the Civil Code), may remove all fixtures or other improvements of whatsoever nature made therein during the requisition period, making compensation to the requisitionee for the damage which may have been caused by the placing or by the removal of those fixtures or other improvements.

Applicability under this Act of requisition orders made previously to its enactment.

6. The possession of any building which has been taken by the Minister or by another competent authority under or in virtue of the Malta Defence Regulations, 1939†, or under or in virtue of the Protection Office Regulations, 1942, published by Government Notice No. 435 dated the 20th August, 1942*, shall, where the building on the date of enactment of this Act is still in the possession of the Minister, be deemed to have been taken under the provisions of this Act.

Transfer of requisitioned buildings to Director.

7. Any building which was in the possession or at the disposal of or held by the Minister by virtue of a requisition made in accordance with the provisions of this Act, and in respect of which a tenancy or subtenancy was not created by virtue of section 8 of this Act, shall be deemed to have been requisitioned by the Director and to be in his possession or at his disposal or held by him, as the case may be.

† No longer in force.

* Repealed by Government Notice No. 323 of 25th May, 1949.

8. (1) Where any persons have been accommodated in a building which is held by virtue of a requisition, the Director may at any time, by means of a judicial letter, require the requisitionee to recognize the persons so accommodated as tenants or as sub-tenants of the building as the case may be.

Recognition by landlord or by person holding title under him of persons accommodated by Director in requisitioned premises.

(2) Within thirty days of service on him of a judicial letter under the last preceding subsection, the requisitionee, by application before the First Hall of the Civil Court in contestation of the Director, may pray for an authorisation of non-compliance with that request:

Provided that, in the case where the building has been requisitioned from the tenant, the latter, by a judicial letter to be filed within fifteen days from service on him of the judicial letter provided for in the last preceding subsection, may inform the Director that he does not wish to retain the tenancy, and thereupon the Director shall be entitled to take action under the last preceding subsection against the landlord.

(3) The court shall not grant the authorisation of non-compliance mentioned in the last preceding subsection unless the applicant shows to the satisfaction of the court that serious hardship would be caused to him by complying with the request:

Provided that the assertion that the requisitionee wishes to take possession of the building for his own use or for the use of any member of his family shall not be considered of itself as a hardship for the purposes of this subsection.

(4) Any subtenancy created by virtue of this section shall not be deemed to be a subtenancy for the purposes of section 9 of the Reletting of Urban Property (Regulations) Ordinance.

Cap. 69.

(5) No right of preference under the Civil Code or under the Rent Restriction (Dwelling Houses) Ordinance, shall be competent in respect of any tenancy or subtenancy created by virtue of this section.

Cap. 12.
Cap. 116.

(6) Where a tenancy or a subtenancy is created by virtue of this section, then, unless an agreement to the contrary is lawfully reached, a contract of lease or sublease of the building under the usual conditions laid down by the Rent Regulation Board established under the Reletting of Urban Property (Regulation) Ordinance and for a period of three months, to be reckoned from the date of definite recognition, shall be deemed to have been entered into between the requisitionee of the building and the person accommodated therein, and rent, equal to the periodical amount paid or payable by the Director as compensation for the occupation of the building, shall be payable quarterly in advance in respect thereof.

Cap. 69.

9. Where a person has been accommodated in a building requisitioned under this Act, the Director may, even though such person pays compensation in respect of such accommodation, order him to quit such building and to surrender the same to the Director within such time as the Director may determine, if he is of opinion that such

Power of Director to order occupant of requisitioned building to quit the same.

person is not making use of the building for residential purposes, or is the owner of or has or who is otherwise provided with another building which he can use as his and his family's residence, or if it is reasonably required so to act in the interests of defence, public safety, public order or public health.

Power of entry of Director.

10. The Director or any other person deputed in writing by the Director for the purpose may enter any building at all reasonable times with a view to obtaining information to enable him to carry out any of his powers under this Act.

Compensation payable in respect of requisitioned building.

11. (1) Subject as hereinafter provided, the compensation payable in respect of the requisition of a building shall be the aggregate of the following sums, that is to say —

(a) a sum equal to the rent which might reasonably be expected to be payable by a tenant in occupation of the building during the period for which possession of the building is retained by virtue of the provisions of this Act, under a letting granted immediately before the beginning of that period:

Cap. 116.

Provided that where the building is used by the Director or by a person accommodated therein after a requisition, as a dwelling house within the meaning of the Rent Restriction (Dwelling Houses) Ordinance the rent shall not exceed the fair rent as defined in section 2 of the aforesaid Ordinance;

(b) a sum equal to the cost of making good any damage to the building which may have occurred during the period in which possession thereof under requisition was retained (except in so far as the damage has been made good during that period by the occupant of the requisitioned premises or by a person acting on behalf of the Director), no account being taken of damage which, under the provisions of this Act, is the responsibility of the requisitionee;

(c) a sum equal to the amount of expenses reasonably incurred, otherwise than on behalf of the Director, for the purpose of compliance with any directions given by or on behalf of the Director in connection with the taking possession of the building, but without prejudice to the provisions of subsection (5) of section 3.

(2) Any compensation under paragraph (a) of subsection (1) of this section shall be deemed to accrue due from day to day during the period in which possession of the building is held in the exercise of the powers vested in the Director by this Act, shall be apportionable in respect of time accordingly; and shall be paid to the person who for the time being would be entitled to occupy the building but for the fact that it is requisitioned; but the provisions of this subsection shall not operate so as to require the making of payments by the Director at intervals of less than three months.

(3) Any compensation under paragraph (b) of subsection (1) of this section shall accrue due at the end of the period in which possession of the building is retained in the exercise of the powers vested in the Director by this Act, and shall be paid to the person who is then the beneficial owner of the building.

(4) Any compensation under paragraph (c) of subsection (1) of this section shall accrue due at the time when expenses in respect of which compensation is payable are incurred, and shall be paid to the person by whom or on whose behalf those expenses were incurred.

12. (1) Compensation under paragraph (a) of subsection (1) of section 11 shall, in all cases, be assessed by the Rent Regulation Board established under the Reletting Urban Property (Regulation) Ordinance which for that purpose shall have exclusive jurisdiction subject to appeal in cases allowed by that Ordinance:

Assessment of compensation.

Cap. 69.

Provided that, in respect of dwelling houses within the meaning of the Rent Restriction (Dwelling Houses) Ordinance, possession of which has been taken by the requisitioning authority before the 22nd February 1946 and, at the time of the hereunder mentioned application, is still retained by that authority, the requisitioning authority or the requisitionee may at any time apply to the said Board for the assessment of the fair rent as defined in section 2 of the last mentioned Ordinance, and such fair rent shall be the compensation payable under paragraph (a) of subsection (1) of section 11 in respect of that possession as from the date of service of the application on the requisitionee or his representative or, as the case may be, on the requisitioning authority.

Cap.116.

(2) Compensation under paragraphs (b) and (c) of subsection (1) of section 11 hereof shall, in case of disagreement, be assessed by the First Hall of the Civil Court.

13. Any compensation which, prior to the coming into operation of this Act, has been lawfully assessed shall be deemed to have been so assessed under and for the purposes of this Act, without prejudice however to the provisions contained in subsection (1) of section 12.

Compensation assessed previously to enactment of this Act.

14. The Minister may make and when made amend, repeal or repeal and re-enact regulations for the purpose of carrying the provisions of this Act into effect and in particular, but without prejudice to the generality of that power, for all or any of the following purposes:

Power to make regulations.

(a) for requiring any returns to be made in respect of buildings, or any class thereof, their occupation and use;

(b) for maintaining an equitable distribution of housing accommodation;

(c) for determining within the upper limits set out in section 17 of this Act special penalties applicable in respect of any breach of any regulation so made;

(d) for fixing storage fees and for providing for the retrieval or disposition of furniture or articles, including the sale thereof, removed from a building requisitioned under this Act:

Provided that the regulations mentioned in the Schedule hereto shall be deemed to be regulations made under this Act and shall remain in force until they are amended or repealed by the Minister by virtue of the powers vested in him by this section.

Restriction of powers given under this Act.

15. Nothing in this Act contained shall confer any right upon any person to demand the exercise in his favour or in favour of any other person of any requisitioning or other power vested in the Minister.

Service of notices under this Act or under regulations thereunder.

16. Without prejudice to any special provision contained in this Act, a requisition order or a notice to be served on any person for the purposes of this Act or of any regulations made thereunder may be served by sending it by registered letter post addressed to that person at his last or usual place of abode or place of business, and shall be presumed, saving any proof to the contrary, to have reached the addressee in the normal course of the postal service.

Penal provisions.

17. (1) Any person who, without lawful excuse, the proof whereof shall lie on him, commits any breach of any order or regulation given or made under this Act, whether by doing anything which he ought not to do or by omitting anything which he ought to do, or by preventing other persons from doing anything which they are enjoined or permitted to do or by undoing or frustrating anything which other persons may have done under the provisions of this Act or of any order or regulation thereunder, or by hindering or obstructing the Director or any other person acting on his behalf or under his authority, shall be guilty of an offence under this Act and shall, on conviction, be liable to a fine (*multa*) of not less than one hundred liri but not exceeding five hundred liri or to imprisonment for a period of from fifteen days to three months or to both such fine and such imprisonment:

Provided that any person who commits an offence against the provisions contained in subsections (1) and (2) of section 4 of this Act, shall on conviction be liable to a fine (*multa*) of not less than five liri and not more than one hundred liri or to imprisonment for a period of fifteen days to three months or to both such fine and imprisonment.

Cap. 152.

(2) In the case of any such breach, the court, besides awarding punishment or applying the provisions of sections 5 and 9 of the Probation of Offenders Act shall order the offender, where the occasion so requires, to comply with the law within a time, sufficient for the purpose, to be fixed by the court; and, if the offender fails to comply with any such order within the time so fixed, he shall be liable to a fine (*ammenda*) of from fifty cents to ten liri for every day the default continues after the expiration of the said time.

(3) The court may also order that physical compliance with the requirements of law be carried out by the Police at the expense of the offender, in which case the offender may be made to refund the expense, under the warrant issued by the court.

(4) The powers given to the court under subsections (2) and (3) of this section shall be deemed to be without prejudice to the powers of the Director under section 3 or to any other power given or which may be given to him or to any other person by any regulation.

18. (1) Any offence under this Act or under any order or regulation made thereunder shall, for the purpose of the Criminal Code, fall into the class of contraventions, even where the punishment provided in respect of that offence is higher than those laid down in the said Code in respect of contraventions:

Competence in respect of offences under this Act.

Provided that criminal action arising out of any provision of this Act shall be barred by the lapse of one year unless a longer period is necessary under any other law in respect of any specific offence.

(2) Every punishment provided for any offence under this Act shall be deemed to be so provided without prejudice to any higher punishment applicable to the offence under any other law whenever the circumstances set out in such other law concur in the offence. In any such case the punishment laid down in that other law shall apply.

(3) Any proceedings for any offence under this Act shall be instituted by the Police in the Court of Magistrates of Judicial Police, sitting as a Court of Criminal Judicature.

(4) Notwithstanding the provisions of section 413 of the Criminal Code, every decision of the Court of Magistrates of Judicial Police in respect of an offence under this Act may, in all cases, be appealed against by the Attorney General and by the party convicted.

Cap. 9.

19. (1) When the alleged offender is, on account of mental disease or physical disability, unable to appear in court, or is absent from Malta or has absconded, and the Director certifies on oath that it is urgently required that the law be enforced, the court shall order the summons to be served on any known lawful representative of the alleged offender or any known person having the custody in fact of the alleged offender or, if the alleged offender has not a known lawful representative or is not under the custody in fact of any known person, on his husband or wife or on a near relation by consanguinity or affinity or on any person, if any, entrusted with the management of his property.

Offences by incapacitated persons or absentees.

(2) In any such case the court shall apply the provisions of this Act; provided that where there is room for the application of any punishment under subsections (1) and (2) of section 17 against such offender, the court shall, for the purpose of determining whether or not the punishment is to be applied, adjourn the case until he is fit to stand trial or until his return.

20. (1) All trials in respect of offences under this Act shall be deemed to be urgent and not to admit of any delay for the purposes of sections 361 and 364 of the Criminal Code.

Procedure and appeals.
Cap. 9.

(2) In respect of an appeal from a decision concerning an offence under this Act, the application referred to in section 417 of the

Cap. 9.

Criminal Code shall be filed within two working days and, in the case of an appeal from a decision of the Court of Magistrates of Judicial Police for the Islands of Gozo and Comino, within five working days. Such periods shall run as provided in that section.

Operativeness
of this Act.

21. Subject as hereinafter provided, this Act shall continue in force for the period mentioned in subsection (2) of section 2 of the Housing (Extension) Act, 1992, and shall then expire:

Provided that, if at any time while this Act is in force a Resolution is passed by the House of Representatives that this Act should be continued in force for a further period not exceeding three years from the time at which it would otherwise expire, this Act shall continue in force for that further period.

Passed by the House of Representatives at Sitting No. 45 of the 28th July, 1992.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives.

