

Naghti l-kunsens tiegħi.

(L.S.)

GUIDO DE MARCO  
President

26 ta' Ġunju, 2001

**ATT Nru. XVI ta' l-2001**

*Att biex jemenda l-Att dwar il-Condominia, Kap 398*

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. It-titolu fil-qosor ta' dan l-Att hu l-Att ta' l-2001 li jemenda l-Att dwar il-*Condominia*, u dan l-Att għandu jinqara u jinftihem haġa wahda ma' l-Att dwar il-*Condominia*, hawnhekk iżjed 'l quddiem msejjah "l-Att prinċipali".

Titolu fil-qosor.  
Kap. 398.

2. Fl-artikolu 1 ta' l-Att prinċipali, minflok il-kliem "Ministru responsabbli għall-ġustizzja" għandhom jidhlu l-kliem "Ministru responsabbli għar-Reġistru ta' l-Artijiet".

Emenda ta' l-artikolu 1 ta' l-Att prinċipali.

3. Minflok il-proviso tas-subartikolu (1) ta' l-artikolu 2 ta' l-Att prinċipali għandu jidhol dan il-proviso li ġej:

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

"Izda żewġ fondi jew iżjed fejn fond wiehed jew iżjed minnhom ikun sovrastanti fond iehor, u fejn ikun hemm biss għadd ta' servitujiet tal-fondi fuq xulxin, u fejn il-katusi, jew is-sistema tad-drenagg, jew servizzi ohra mgħoddija minn pajpijiet jew cables biss ikunu komuni, jew fejn żewġ fondi jew aktar għandhom biss taraġ komuni minn barra jew indani esterni komuni, m'għandhomx jitqiesu bhala *condominium*."

4. L-artikolu 8 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "Il-*condomini* jistgħu" ghandhom jidhlu l-kliem "Bla hsara għad-disposizzjonijiet tas-subartikoli (5) u (7), il-*condomini* jistgħu";

(b) fis-subartikolu (3) tiegħu minflok il-kliem "M'għandux isir dan it-tibdil" ghandhom jidhlu l-kliem "Bla hsara għad-disposizzjonijiet tas-subartikoli (5) u (7), m'għandux isir dan it-tibdil";

(ċ) minnufih wara s-subartikolu (4) tiegħu ghandhom jiżdiedu dawn is-subartikoli ġodda li ġejjin:

"(5) *Condominus* jista' a spejjeż tiegħu jinstalla u jibni kull faċilità neċessarja li tnaqqas jew telimina problemi ta' mobilità salv li dawn ma johlqux ebda preġudizzju serju, wara li jiġi installati jew mibnija, fil-konfront tal-*condomini* l-oħra. Id-disposizzjonijiet ta' l-artikolu 9 ghandhom japplikaw, *mutatis mutandis*, għall-ispejjeż li jsiru f'dik l-installazzjoni jew binja.

(6) Meta f'*condominium*, wiehed jew aktar mill-oqsma separati jkun okkupat minn sidien u wiehed jew aktar mill-oqsma separati jkun okkupat minn kerrej, il-kerrej li jkun qed jokkupa l-qasam separat jew ir-rappreżentant tiegħu, ikollu jedd jattendi għal-laqgħa tal-*condomini* u jesprimi fehemtu fuq kull haġa li tolqot it-tgawdija tal-partijiet komuni, jew kull tibdil li jsir fihom. Waqt il-laqgħa jkun intitolat li jattendi u jintervjeni kerrej wiehed biss għal kull qasam, iżda l-preżenza tiegħu bl-ebda mod ma timplika li jkollu d-dritt tal-vot.

(7) Fejn kerrej li jokkupa qasam separat bhala r-residenza ordinarja tiegħu, kemm-il darba ma jkunx kerrej fi proprjetà tal-Gvern kif imsemmi fis-subartikolu (6) ta' l-artikolu 31 ta' l-Att, ikun irid jinstalla jew jibni a spejjeż tiegħu, xi faċilità bħal dik imsemmija fis-subartikolu (5) ta' dan l-artikolu, imma jew is-sid, jew il-laqgħa tal-*condomini*, ma jagħtux il-kunsens mehtieg, il-kerrej jista' jirreferi l-kwistjoni għall-arbitraġġ, u meta l-arbitru jirriżultalu li dik l-installazzjoni jew binja ma tohloqx konflitt max-xogħlijiet deskritti fis-subartikolu (3) ta' dan l-artikolu, ix-xogħol ikun jista' jsir.

(8) Il-kerrej jista' jikkontribwixxi wkoll għall-ispejjeż li jsiru għat-twertiq u l-preservazzjoni tat-tibdil jew it-tiġdid tal-partijiet komuni, skond is-subartikolu (3) ta' l-artikolu 9 ta' dan l-Att.

(9) Meta l-installazzjoni jew il-binja ssir bi spejjeż tal-kerrej, jew meta l-kerrej jikkontribwixxi għall-ispejjeż imsemmija fis-subartikolu (8) ta' dan l-artikolu, ukoll f'dawk il-każijiet fejn bix-xogħlijiet imwettqa jiżdied il-valur tal-qasam, ma jista' jsir ebda tibdil fil-kundizzjonijiet marbuta mal-kirja, iżda s-sid tal-qasam separat okkupa minn dak il-kerrej ma jkunx obligat li jirrifondi dawn l-ispejjeż lanqas f'każ li l-kirja tkun terminata.

(10) Il-kerrej imsemmi fis-subartikoli ta' qabel dan l-artikolu ma jistax jirrinunzja għad-drittijiet tiegħu."

5. Fl-artikolu 9(3) ta' l-Att prinċipali, minflok il-kliem "Dik il-kontribuzzjoni tithallas, *tramite* l-amministratur, lill-*condomini* l-oħra." għandhom jidhlu l-kliem "Dik il-kontribuzzjoni tithallas, *tramite* l-amministratur, jekk ikun hemm, lill-*condomini* l-oħra. Finnuqqas ta' amministratur il-hlas għandu jsir skond kif miftiehem bejn il-*condomini*".

Emenda ta' l-artikolu 9 ta' l-Att prinċipali.

6. L-artikolu 14 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 14 ta' l-Att prinċipali.

(a) is-subartikolu (5), (6) u (7) tiegħu għandhom jiġu numerati mill-ġdid bhala s-subartikoli (6), (7) u (8) rispettivament;

(b) minnufih wara s-subartikolu (4) tiegħu għandu jiżdied dan is-subartikolu li ġej:-

"(5) Meta l-*condomini* kollha hekk jaqblu, l-amministratur għandu jassigura l-*condominium* kontra kull hsara u, jew qerda.";

(ċ) fis-subartikolu (7), kif numerat mill-ġdid, minflok il-kliem "msemmija fis-subartikolu (2) ta' dan l-artikolu" għandhom jidhlu l-kliem "msemmija fis-subartikolu (5)".

7. Fit-test Inġliż ta' l-artikolu 15(5) ta' l-Att prinċipali, minflok il-kelma "charges" għandha tidhol il-kelma "changes".

Emenda ta' l-artikolu 15 ta' l-Att prinċipali.

8. Fl-artikolu 16(1)(g) ta' l-Att prinċipali minflok il-kliem "li jmxxi kif mehtieg" għandhom jidhlu l-kliem "fejn ikun ġie hekk miftiehem skond l-artikolu 14(5), li jmxxi kif mehtieg".

Emenda ta' l-artikolu 16 ta' l-Att prinċipali.

9. L-artikolu 22 ta' l-Att prinċipali għandu jiġi emendat kif ġej:-

Emenda ta' l-artikolu 22 ta' l-Att prinċipali.

(a) fit-test Inġliż tas-subartikolu (3) tiegħu minflok il-kliem "for all interests and purposes" għandhom jidhlu l-kliem "for all

intents and purposes"; u

(b) fit-test Inġliż tas-subartikolu (4) tiegħu minflok il-kelma "form" għandha tidhol il-kelma "from".

Emenda ta' l-artikolu 27 ta' l-Att prinċipali.

**10.** L-artikolu 27 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (b)(i) minflok il-kliem "minn fost il-persuni f'dik il-lista; u" għandhom jidhlu l-kliem "minn fost il-persuni f'dik il-lista, iżda għandha tinghata preferenza lil persuna bi kwalifiki legali u fejn il-kwistjoni riferuta għall-arbitraġġ hija ta' natura teknika marbuta ma' l-istabilità, kostruzzjoni jew bini mill-ġdid u tqassim u, jew kalkolu ta' l-ispejjeż dwar l-ambjent fiżiku, għandha tinghata preferenza lil perit jew inġinier ċivili, sakemm din il-persuna bi kwalifiki legali, perit jew inġinier ċivili jkun ilu jipprattika l-professjoni tiegħu għal mill-inqas seba' snin qabel il-hatra; u"; u

(b) minnufih wara l-paragrafu (b)(ii) għandu jiżdied dan il-paragrafu ġdid li ġej:

"(c) kwistjonijiet marbuta ma' l-għażla ta' l-amministratur skond l-artikolu 15(1), hlas lura ta' l-ispejjeż magħmula mill-amministratur skond l-artikolu 20, u l-adozzjoni tar-regoli skond l-artikolu 25, għandhom ikunu deċiżi minn arbitru uniku."

Emenda ta' l-artikolu 31 ta' l-Att prinċipali.

**11.** L-artikolu 31 ta' l-Att prinċipali għandu jiġi emendat kif ġej:-

(a) fis-subartikolu (1) tiegħu minflok il-kliem "l-artikoli 2, 4, 5, 6 u 10 ta' dan l-Att" għandhom jidhlu l-kliem "l-artikoli 2, 4, 5, 6, 8, 9, 10 u 22(7)(d) ta' dan l-Att"; u

(b) minnufih wara l-proviso tas-subartikolu (6) għandu jiżdied dan il-proviso ġdid li ġej:

"Izda wkoll il-Ministru responsabbli għad-djar jista' jagħti l-permess sabiex jiġu installati jew eretti l-faċilitajiet imsemmija fis-subartikoli (5) u (7) ta' l-artikolu 8 ta' dan l-Att fi blokki ta' bini li in parti jew fl-intier huma proprjetà tal-Gvern; u dan il-permess ma jirrendix l-imsemmi bini bhala *condominium*."

Emenda ta' l-artikolu 32 ta' l-Att prinċipali.

**12.** Fl-artikolu 32 ta' l-Att prinċipali, minflok il-kliem "Il-Ministru responsabbli għall-ġustizzja" għandhom jidhlu l-kliem "Il-Ministru responsabbli għar-Registru ta' l-Artijiet".

13. Minnufih wara l-artikolu 32 ta' l-Att prinċipali ghandu jiżded l-artikolu ġdid li ġej:

Żieda ta' l-artikolu 33 ma' l-Att prinċipali.

"Drittijiet.

33. Il-Ministru responsabbli mir-Registru ta' l-Artijiet jista', bi ftehim mal-Ministru responsabbli għall-finanzi, jagħmel ordnijiet dwar l-ammonti ta' drittijiet li għandhom jithallsu għal kull haġa li tkun saret jew għal kull servizz provdut taħt dan l-Att."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 557 ta' l-20 ta' Ġunju, 2001.

ANTON TABONE  
*Speaker*

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

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I assent.

(L.S.)

GUIDO DE MARCO  
President

26th June, 2001

**ACT No. XVI of 2001**

*AN ACT to amend the Condominium Act, Cap. 398.*

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.

**1.** The short title of this Act is the Condominium (Amendment) Act, 2001, and this Act shall be read and construed as one with the Condominium Act, hereinafter referred to as "the principal Act".

Cap. 398.

Amendment of article 1 of the principal Act.

**2.** In article 1 of the principal Act, for the words "Minister responsible for justice" there shall be substituted the words "Minister responsible for the Land Registry".

Amendment of article 2 of the principal Act.

**3.** For the proviso to subarticle (1) of article 2 of the principal Act there shall be substituted the following proviso:

"Provided that two or more tenements one or more of which overlies another and where there only exists a number of servitudes of the tenements over each other, and only the drains, or the drainage system or other piped or cabled services are owned in common, or where two or more tenements only have a common outer staircase or common outer landings, shall not be considered a condominium."

Amendment of article 8 of the principal Act.

**4.** Article 8 of the principal Act shall be amended as follows:

(a) in subarticle (1) thereof for the words "The condomini may" there shall be substituted the words "Without prejudice to the

provisions of subarticles (5) and (7) of this article the condomini may";

(b) in subarticle (3) thereof for the words "The following alterations" there shall be substituted the words "Without prejudice to the provisions of subarticles (5) and (7) of this article, the following alterations";

(c) immediately after subarticle (4) thereof, there shall be added the following new subarticles:

"(5) A condominus may at his own expense install or erect any necessary facility which mitigates or eliminates problems of mobility provided that these do not cause any serious prejudice, after such erection or installation, to the other condomini. The provisions of article 9 shall apply, *mutatis mutandis*, to the expenses incurred in such installation or facility.

(6) Where in a condominium, one or more separate units is owner occupied and one or more separate units is occupied by a tenant, the tenant occupying the separate unit, or his representative, shall be entitled to be present during the meeting of the condomini and express his opinion on any matter effecting the enjoyment of, or alteration to, the common parts. Only one tenant per unit shall attend and intervene during the meeting, provided that such attendance shall not in any way, imply that the tenant is entitled to vote.

(7) Where a tenant occupying the separate unit as his ordinary residence, unless he is a tenant in Government property as referred to in subarticle (6) of article 31 hereof, wishes to install or erect, at his own expense, any facility as is referred to in subarticle (5), but either the owner, or the meeting of the condomini, refuses the relative consent, the tenant may refer the matter to arbitration, and where the arbitrator finds that such installation or erection does not conflict with the works described in subarticle (3) of this article, it shall be carried out.

(8) The tenant may also contribute to the costs incurred for the execution and preservation of alterations or innovations to the common parts, in terms of subarticle (3) of article 9 of this Act.

(9) When the installation or erection is carried out at the tenant's expense, or where the tenant contributes to the costs mentioned in subarticle (8) hereof, even in those cases where

such work serves to enhance the value of the unit, the conditions of the lease may not be changed, provided that the owner of the separate unit occupied by the said tenant cannot be forced to reimburse the tenant even when the said lease is terminated.

(10) The tenant referred to in the previous subarticles to this article cannot renounce to his rights."

Amendment of article 9 of the principal Act.

**5.** In article 9(3) of the principal Act, for the words "Such contribution shall be paid, through the administrator, to the other condomini.", there shall be substituted the words, "Such contribution shall be paid, through the administrator, if any, to the other condomini. In the absence of the administrator payment is to be effected in the manner agreed to by the condomini."

Amendment article 14 of the principal Act.

**6.** Article 14 of the principal Act shall be amended as follows:

(a) the present subarticles (5), (6) and (7) shall be renumbered as subarticles (6), (7) and (8) respectively;

(b) immediately after subarticle (4) thereof, there shall be added the following new subarticle:

"(5) Where all the condomini so agree, the administrator is to insure the condominium in respect of damage and, or destruction.";

(c) for the words "referred to in subarticle (2) of this article" in subarticle (7), as renumbered, there shall be substituted the words "referred to in subarticle (5)".

Amendment of article 15 of the principal Act.

**7.** In article 15(5) of the principal Act, for the word "charges" there shall be substituted the word "changes".

Amendment of article 16 of the principal Act.

**8.** In article 16(1)(g) of the principal Act, for the words "to take the necessary steps" there shall be substituted the words "where so agreed in accordance with article 14(5), to take the necessary steps".

Amendment of article 22 of the principal Act.

**9.** Article 22 of the principal Act shall be amended as follows:-

(a) in the English text of subarticle (3) thereof, for the words "for all interests and purposes" there shall be substituted the words "for all intents and purposes"; and

(b) in the English text of subarticle (4) thereof, for the word "form" there shall be substituted the word "from".

**10.** Article 27 of the principal Act shall be amended as follows: Amendment of article 27 of the principal Act.

(a) in paragraph (b)(i) for the words "from among the members of the said panel; and" there shall be substituted the words "from among the members of the said panel, provided that preference is given to persons with legal qualifications and where the matter referred for arbitration is a technical matter relating to the stability, construction or re-construction and apportionment and, or calculation of costs relating to the physical environment, preference shall be given to an architect or civil engineer, so long as such persons with legal qualifications, architects or civil engineers have practised their profession for at least seven years prior to the appointment; and"; and

(b) immediately after paragraph (b)(ii) there shall be added the following new paragraph:

"(c) matters relating to the choice of the administrator in terms of article 15(1), reimbursement of costs incurred by the administrator in terms of article 20, and the adoption of the rules in terms of article 25, shall be determined by a sole arbitrator."

**11.** Article 31 of the principal Act shall be amended as follows: Amendment of article 31 of the principal Act.

(a) in subarticle (1) thereof, for the words "articles 2, 4, 5, 6 and 10 of this Act" there shall be substituted the words "articles 2, 4, 5, 6, 8, 9, 10 and 22(7)(d) of this Act"; and

(b) immediately after the proviso to subarticle (6) there shall be added the following new proviso:

"Provided further that the Minister responsible for housing may grant permission to erect or install the facilities mentioned in subarticles (5) and (7) of article 8 of this Act in blocks of buildings wholly or partially owned by the Government; and such permission shall not render such building a condominium."

**12.** In article 32 of the principal Act, for the words "The Minister responsible for justice" there shall be substituted the words "The Minister responsible for the Land Registry". Amendment of article 32 of the principal Act.

**13.** Immediately after article 32 of the principal Act there shall Addition of new article 33 to the principal Act.

A 1130

be added the following new article:

"Fees.

33. The Minister responsible for the Land Registry may, with the concurrence of the Minister responsible for finance, make orders with respect to the amount of fees payable for anything done or service rendered under this Act."

Passed by the House of Representatives at Sitting No. 557 of the 20th June, 2001.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHI  
*Clerk to the House of Representatives*

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