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## **Nru. 212**

4. 5. 2021

### **MALTA**

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#### **KAMRA TAD-DEPUTATI**

#### **HOUSE OF REPRESENTATIVES**

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ABBOZZ ta' Ligi mressaq mill-Onorevoli Miriam Dalli, M.P., Ministru għall-Energija, l-Intrapriża u l-Iżvilupp Sostenibbli, f'isem il-Ministru għall-Intern, is-Sigurtà Nazzjonali u l-Infurzar tal-Ligi, u moqri għall-Ewwel darba fis-Seduta tat-28 ta' April 2021.

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A BILL introduced by the Honourable Miriam Dalli, M.P., Minister for Energy, Enterprise and Sustainable Development, on behalf of the Minister for Home Affairs, National Security and Law Enforcement and read the First time at the Sitting of the 28th April 2021.

**ATT biex jemenda l-Att dwar ir-Registrazzjoni ta' Artijiet, Kap. 296.**

**AN ACT to amend the Land Registration Act, Cap. 296.**

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RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

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RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



**ABBOZZ TA' LIĠI**  
**msejjah**

*ATT biex jemenda l-Att dwar ir-Registrazzjoni ta' Artijiet, Kap. 296.*

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

**1.** It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2021 li jemenda l-Att dwar ir-Registrazzjoni ta' Artijiet u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar ir-Registrazzjoni ta' Artijiet, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.  
Kap. 296.

**2.** Fis-subartikolu (2) tal-artikolu 12 tal-Att prinċipali, il-kliem "Ir-registratur jista'" għandhom jiġu sostitwiti bil-kliem "Bla ħsara għal dak li jipprovd i l-artikolu 17(3), ir-registratur jista'".

Emenda tal-artikolu 12 tal-Att prinċipali.

**3.** Fis-subartikolu (2) tal-artikolu 14 tal-Att prinċipali, il-kliem "Ir-registratur jista'" għandhom jiġu sostitwiti bil-kliem "Bla ħsara għal dak li jipprovd i l-artikolu 17(3), ir-registratur jista'".

Emenda tal-artikolu 14 tal-Att prinċipali.

**4.** Minnufih wara l-artikolu 16A tal-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

Żieda ta' artikolu ġdid mal-Att prinċipali.

"Setgħa ta' tneħhija ta' registrazzjoni.

16B. (1) B'zieda ma' kull setgħa oħra li l-Ministru għandu taħt l-artikoli 10, 15 u 16, kif ukoll taħt kull dispożizzjoni ta' dan l-Att, il-Ministru għandu jkollu s-setgħa illi jhassar ordni li jkun ingħata taħt l-artikoli 10, 15 u 16 ta' dan l-Att, b'effett mid-data li fiha l-ordni għat-ħassir jiġi ppubblikat fil-Gazzetta.

(2) Fejn isir ordni għat-thassir kif provdut fis-subartikolu ta' qabel ta' din id-dispożizzjoni, dawk ir-registrazzjonijiet kollha li jkunu saru bis-saħħa tal-ordni mħassar jitqiesu mħassra u bla effett, hliet għal dawk ir-registrazzjonijiet li jwasslu għal titolu garantit skont l-artikoli 21 sa 25 ta' dan l-Att, iż-żewġ artikoli inklużi.

(3) Kull kawzjoni li tkun marbuta ma' registrazzjoni mħassra skont is-subartikolu ta' qabel għandha ukoll titqies imħassra u bla effett."

Emenda tal-artikolu 17 tal-Att prinċipali.

**5.** Minnufih wara s-subartikolu (2) tal-artikolu 17 tal-Att prinċipali għandu jiżdied is-subartikolu ġdid li ġej:

"(3) Ebda art ma tista' tiġi rreġistrata taħt dan l-artikolu jekk tali art hija soġġetta għal ordni ta' thassir maħruġ skont l-artikolu 16B."

Żieda ta' artikolu ġdid mal-Att prinċipali.

**6.** Minnufih wara l-artikolu 51 tal-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

"Dritt ta' azzjoni.

51A. (1) Minkejja kull dispożizzjoni oħra ta' dan l-Att, l-Avukat tal-Istat għandu jkollu l-jedd u l-interess illi jressaq azzjoni bil-għan biex jikkontesta kull registrazzjoni magħmula taħt xi dispożizzjoni ta' dan l-Att, u li ma saritx taħt jew wasslet għal titolu garantit, fejn:

(a) dik ir-registrazzjoni saret bi ksur ta' xi htiġa ta' dan l-Att, jew ta' kwalunkwe liġi oħra;

(b) dik ir-registrazzjoni tkun saret b'applikazzjoni li jkun fiha tagħrif żbaljat jew tagħrif li ma kellux iwassal għar-registrazzjoni tat-titolu;

(ċ) jirriżulta li l-persuna li favur tagħha saret ir-registrazzjoni tkun hbiert mir-Registratur fatti jew tagħrif li jkunu rilevanti għall-eżami li għandu jsir mir-Registratur skont l-artikolu 18 ta' dan l-Att.

(2) Il-fatt li l-applikazzjoni li tkun wasslet għar-registrazzjoni tkun ġiet milqugħa u aċċettata mir-registratur ma għandhiex ixkekkel din l-azzjoni.

(3) L-Avukat tal-Istat jista' jeżerċita din l-azzjoni permezz ta' rikors ġuramentat li għandu jiġi ppreżentat fil-Prim' Awla tal-Qorti Ċivili, fi kwalunkwe hin wara li tkun saret ir-registrazzjoni li tkun se tiġi kkontestata, u liema rikors ġuramentat għandu jiġi ppreżentat fil-konfront tar-registratur u tal-persuna li favur tagħha tkun saret ir-registrazzjoni kkontestata.

Kap. 12.

(4) Azzjoni ppreżentata taht din id-dispożizzjoni għandha tinstema' u tiġi deċiża skont id-dispożizzjonijiet applikabbli tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

(5) Fejn il-qorti tiddeċiedi li r-registrazzjoni għandha tiġi mħassra, ir-registratur għandu jhassar dik ir-registrazzjoni sa mhux aktar tard minn għoxrin (20) jum minn dik id-data li d-deċiżjoni ssir finali.

(6) Id-dritt ta' azzjoni mogħti lill-Avukat tal-Istat taht din id-dispożizzjoni għandu jkun bla ebda ħsara għal kull dritt ieħor li jista' jkollhom terzi persuni, kemm taht dan l-Att u kif ukoll taht xi liġi oħra, sabiex jiproteġu d-drittijiet tagħhom kontra xi registrazzjoni li tkun saret skont id-dispożizzjonijiet ta' dan Att."

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### Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jintroduċu dispożizzjonijiet għat-tħassir ta' registrazzjonijiet u kif ukoll sabiex jintroduċu dritt ta' azzjonili jkun vestit fil-Gvern, jew f'entità magħzula li tkun tagħmel parti mill-Gvern, biex jiġu kkonestati registrazzjonijiet individwali li jkunu saru mir-Registratur tal-Artijiet fuq applikazzjonijiet magħmula minn terzi persuni li ma jkunx jistħoqqilhom l-istatus mogħti lilhom bis-saħħa ta' dik ir-registrazzjoni.

**A BILL  
entitled**

*AN ACT to amend the Land Registration Act, Cap. 296.*

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 Land Registration (Amendment) Act, 2021 and this Act shall be read and construed as one with the Land Registration Act, hereinafter referred to as "the principal Act".
- Cap. 296.
- Amendment of article 12 of the principal Act.           **2.** In sub-article (2) of article 12 of the principal Act, the words "The registrar may" shall be substituted by the words "Without prejudice to the provisions of article 17(3), the registrar may".
- Amendment of article 14 of the principal Act.           **3.** In sub-article (2) of article 14 of the principal Act, the words "The registrar may" shall be substituted by the words "Without prejudice to the provisions of article 17(3), the registrar may".
- Addition of new article to the principal Act.           **4.** Immediately after article 16A of the principal Act there shall be added the following new article:
- "Power of deregistration.           **16B. (1)** In addition to any other powers that the Minister has under articles 10, 15 and 16, as well as under any provision of this Act, the Minister shall have the power to cancel an order which is has been given under articles 10, 15 and 16 of this Act, with effect from the date on which the order for cancellation is published in the Gazette.

(2) Where an order for cancellation is made as provided in the preceding sub-article of this provision, all such registrations made by virtue of the cancelled order shall be deemed cancelled and ineffective, except for those registrations leading to a guaranteed title in accordance with articles 21 to 25 of this Act, both articles included.

(3) Any caution connected to a registration cancelled in accordance with the preceding sub-article shall also be deemed cancelled and ineffective."

5. Immediately after sub-article (2) of article 17 of the principal Act, there shall be added the following new sub-article:

Amendment of article 17 of the principal Act.

"(3) No land may be registered under this article if such land is subject to a cancellation order issued in accordance with article 16B."

6. Immediately after article 51 of the principal Act there shall be added the following new article:

Addition of new article to the principal Act.

"Right of action.

51A. (1) Notwithstanding any other provision of this Act, the State Advocate shall have the right and interest to bring an action for the purpose of impugning any registration made under any provision of this Act, and which has not been made under or has given rise to a guaranteed title, where:

(a) such registration has been made in violation of any requirement of this Act, or of any other law;

(b) such registration has been made in accordance with an application containing incorrect information or information which should not have led to the registration of the title;

(c) it results that the person in whose favour the registration was made kept hidden from the registrar facts or information which were relevant to the examination to be conducted by the Registrar in accordance with article 18 of this Act.

(2) The fact that the application which gave rise to the registration has been received and accepted by the registrar shall not hinder this action.

(3) The State Advocate may exercise this action by means of a sworn application to be filed in the Civil Court, First Hall, at any time after the registration to be impugned has been made, which sworn application shall be filed against the registrar and the person in whose favour the impugned registration has been made.

Cap. 12. (4) An action filed under this provision shall be heard and decided in accordance with the applicable provisions of the Code of Organization and Civil Procedure.

(5) Where the court decides that the registration shall be revoked, the Registrar shall cancel such registration by not later than twenty (20) days from the date on which the decision becomes final.

(6) The right of action granted to the State Advocate under this provision shall be without prejudice to any other right which third parties may have, both under this Act as well as under any other law, to protect their rights against any registration made in accordance with the provisions of this Act."

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### Objects and Reasons

The objects and reasons of this Bill are to introduce provisions for the cancellation of registrations as well as the introduction of a right of action vested in the Government, or a chosen entity forming part of the Government, to impugn individual registrations accepted by the Land Registrar upon applications made by third parties which do not merit the status conferred upon them by virtue of such registration.