

Naghti l-kunsens tieghi.

(L.S.)

GUIDO DE MARCO
President

12 ta' Novembru, 1999

ATT Nru. XVI ta' l-1999

ATT biex jemenda l-Att dwar Proprjetà ta' l-Ghadu (Kap. 179).

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. Dan l-Att jista' jissejjah l-Att ta' l-1999 li jemenda l-Att dwar Proprjetà ta' l-Ghadu, u għandu jinqara u jinftiehem haġa waħda ma' l-Att dwar Proprjetà ta' l-Ghadu, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.

Kap. 179.

2. Minnufih wara l-artikolu 3 ta' l-Att prinċipali, għandhom jiżdiedu dan l-artikolu ġdid u skeda ġdida kif ġej:-

Żieda ta' l-artikolu 4 ġdid ma' l-Att prinċipali.

"Talbiet
lill-Bord.

4 (1) Minkejja d-dispożizzjonijiet li jinsabu f' dan l-Att jew fl-Ordinanza, kull persuna li jkollha pretensjoni li tkun is-sid ta' proprjetà mobbli jew immobbli, li tkun amministrata mill-Kustodju, għandha, mhux aktar tard mill-31 ta' Diċembru, 2002, tissottometti talba lill-Kustodju li permezz tagħha turi li hi tkun l-għadu li għan-nom tagħha l-proprjetà tkun qieghda tigi amministrata jew li tkun il-persuna li jkollha jedd tagħmel it-talba f' isimha.

(2) Għandu jkun hemm bord (hawnhekk iżjed 'il quddiem imsejjah il-Bord), magħmul mill-Kustodju, li jkun *chairman*, u rappreżentanti tal-Kummissarju ta' l-Artijiet, ta' l-*Accountant General*, tas-Segretarju Permanenti fil-Ministeru

responsabbli mill-Affarjiet Barranin, u l-Awditur Ġenerali, u dan ghandu jeżamina kull talba li ssir taht is-subartikolu (1) ta' dan l-artikolu u jiddeciedi dwarha.

(3) Id-deċiżjoni tal-Bord ghandha tigi notifikata lil min jagħmel it-talba permezz ta' att ġudizzjarju, u tista' tigi appellata quddiem il-Qorti ta' l-Appell daqslikieku l-att ġudizzjarju kien sentenza tal-Qorti Ċivili, Prim'Awla, mogħtija fil-jum li fih l-att ġudizzjarju jkun ġie notifikat.

(4) Meta l-Bord jew il-Qorti ta' l-Appell, skond il-każ, jagħtu deċiżjoni favur min jagħmel it-talba, il-Kustodju jkollu l-jedd li jgħaddi l-proprjetà lil min jagħmel it-talba wara li jnaqqas minnha d-drittijiet u l-ispejjeż li l-Kustodju jkun hallas fl-amministrazzjoni tal-proprjetà u r-radd tagħha lura.

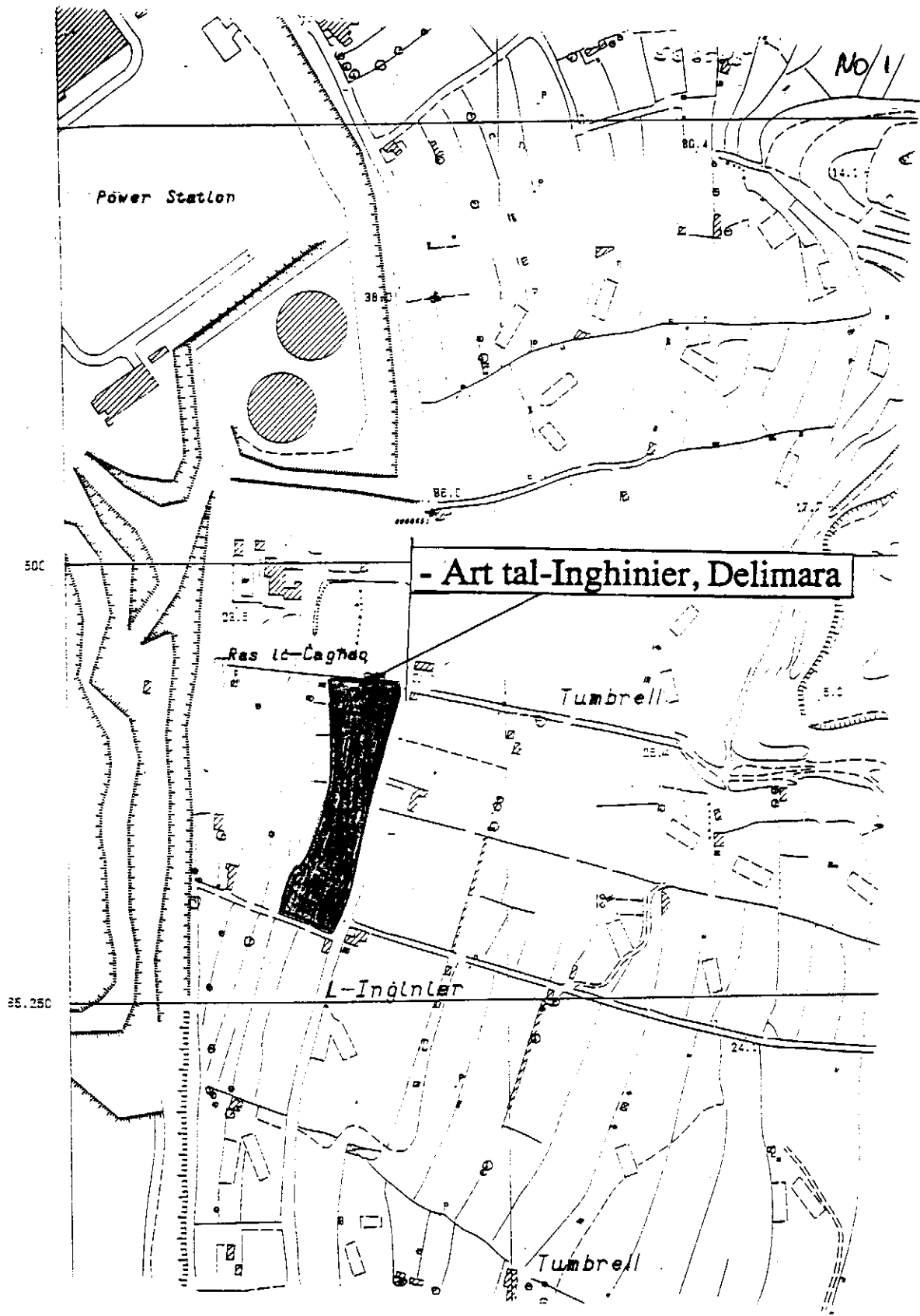
(5) Il-Prim Ministru jista' permezz ta' regolamenti jistabbilixxi d-drittijiet li għandhom jithallsu b'konnessjoni ma' talbiet quddiem il-Bord.

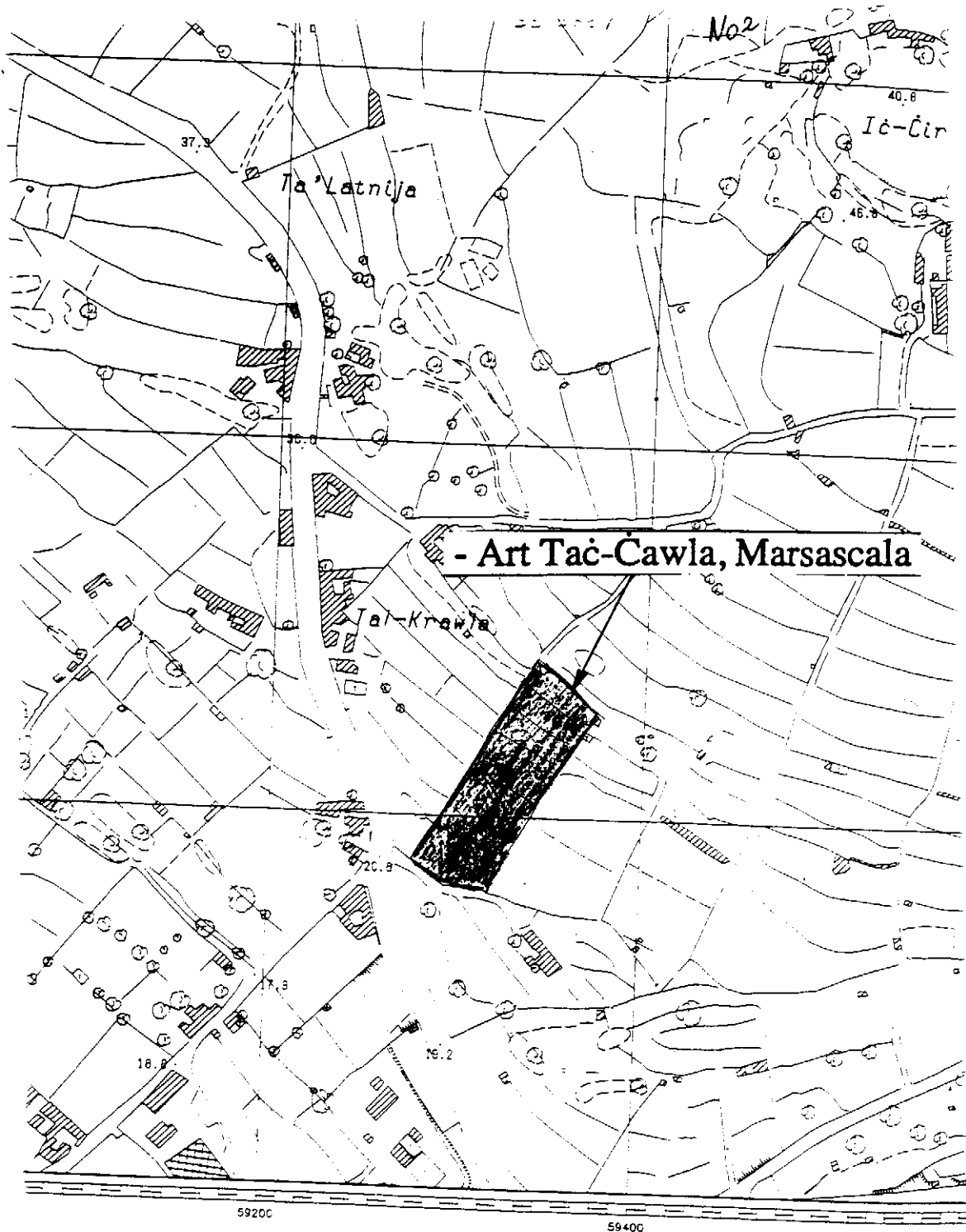
(6) Il-Bord ghandu jirregola l-proċeduri tiegħu nnifsu, madankollu l-Bord ghandu jassigura li min jagħmel it-talba jkollu opportunità xierqa li jissottometti t-talba tiegħu bil-miktub jew verbalment skond kif il-Bord jista' jiddeciedi.

(7) B'seħħ mill-1 ta' Jannar, 2003, kull proprjetà amministrata mill-Kustodju li dwarha ma tkun saret ebda talba kif imsemmi qabel, jew jekk saret talba meta din tigi miċhuda, ghandha tghaddi għand il-Gvern ta' Malta:

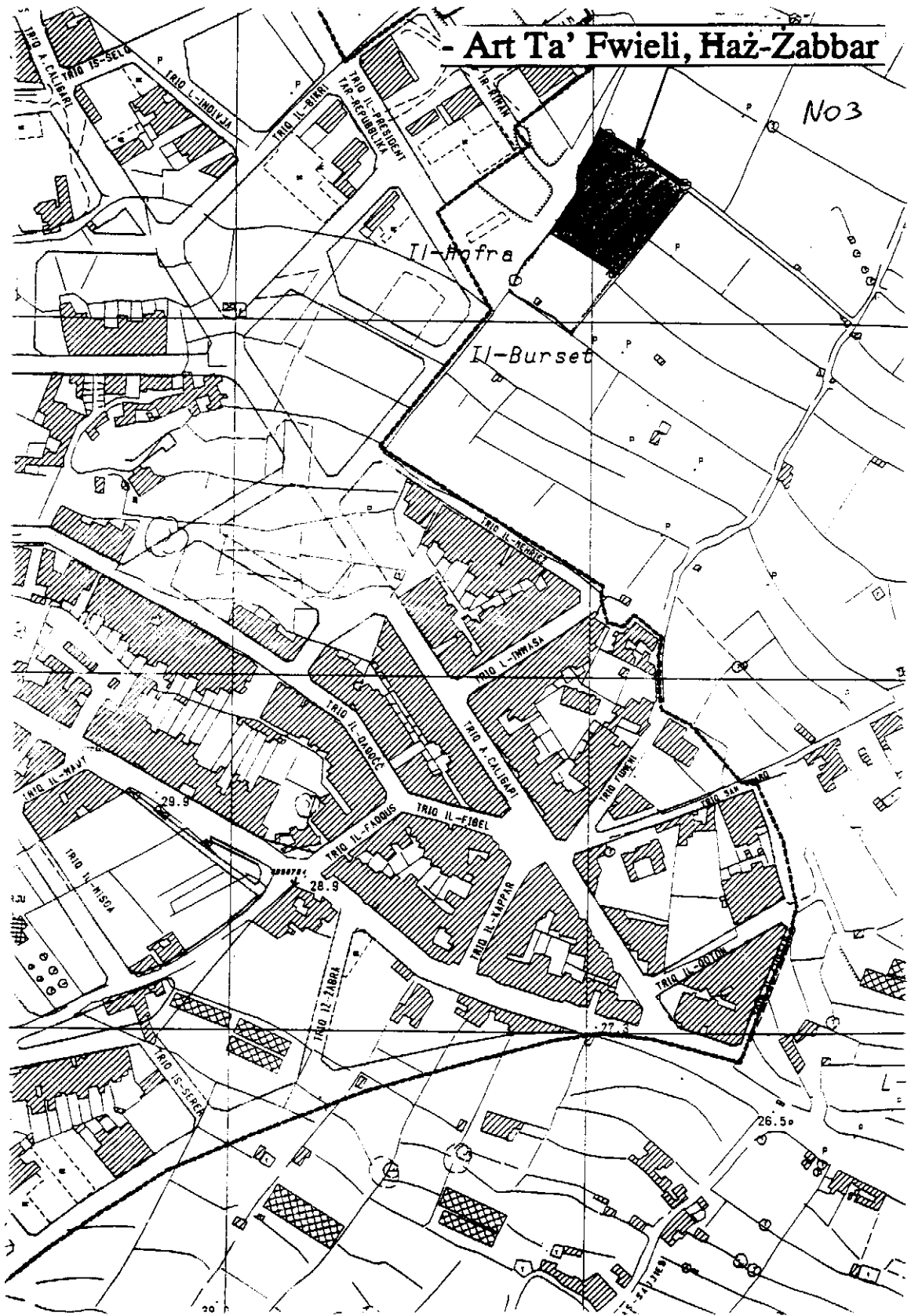
B'dan però li għar-rigward il-proprjetà immobiljari elenkata fl-Iskeda ma' dan l-Att, id-drittijiet fuq din il-proprjetà u l-istess proprjetà għandhom jiġu reġistrati fir-Registru ta' l-Artijiet f'isem il-Gvern ta' Malta b'titolu assolut fil-konfront ta' min seta' kellu d-dritt jagħmel talba taht dan l-artikolu, iżda b'titolu ta' pussess versu terzi.

(8) Il-proprjetà li għaliha jirreferi dan l-artikolu tkun dik elenkata fl-Iskeda li tinsab ma' dan l-Att.





- Art Ta' Fwieli, Haz-Zabbar



Appendiċi B

Kont ta' George Furst (Ġermaniż)

- 90A, Triq tat-Teatru l-Antik, Valletta
- 435/4, St Paul's Building, Triq il-Punent, Valletta (sikwit registrat bhala 43J/4)

Kont ta' Marianna u Filomena Fauci (Taljani)

- Art tal-Inghinier, Delimara, kif indikata fil-pjanta numru 1 annessa ma' dan l-Appendiċi
- Art Taċ-Ċawla, Marsascala, kif indikata fil-pjanta numru 2 annessa ma' dan l-Appendiċi
- Art Ta' Fwieli, Haż-Żabbar, kif indikata fil-pjanta numru 3 annessa ma' dan l-Appendiċi
- 181Sqaq Nru. 1, Triq Biċċieni, Haż-Żabbar."

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 176 tad-9 ta' Novembru, 1999.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GUIDO DE MARCO
President

12th November, 1999

ACT No. XVI of 1999

AN ACT to amend the Enemy Property Act (Cap. 179).

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.
Cap. 179.

1. This Act may be cited as the Enemy Property (Amendment) Act, 1999, and shall be read and construed as one with the Enemy Property Act, hereinafter referred to as “the principal Act”.

Addition of new section 4 to the principal Act.

2. Immediately after section 3 of the principal Act, there shall be added the following new section and schedule:—

“Claims to the Board.

4. (1) Notwithstanding anything contained in the Act or in the Ordinance, a person who claims to be the owner of any property movable or immovable administered by the Custodian, shall, not later than the 31st December, 2002, submit a claim to the Custodian showing that he is the enemy on whose behalf the property is managed or a person claiming under him.

(2) There shall be a board (hereafter referred to as the Board) composed of the Custodian, who shall be chairman, and representatives of the Commissioner of Lands, the Accountant General, the Permanent Secretary at the Ministry responsible for Foreign Affairs, and the Auditor

General, which shall examine all the claims made under subsection (1) of this section and decide thereon.

(3) The decision of the Board shall be served on the claimant by a judicial act, and may be appealed by application before the Court of Appeal as if the judicial act were a judgement of the Civil Court First Hall, delivered on the date of service of the judicial act.

(4) Where the Board or the Court of Appeal, as the case may be, decide in favour of the claimant the Custodian shall be entitled to deliver the property to the claimant after deducting therefrom the fees and expenses incurred by the Custodian in the administration of the property and its handing over.

(5) The Prime Minister may by regulations establish the fees that may be payable in connection with claims before the Board.

(6) The Board shall regulate its own proceedings, it shall however ensure the claimant shall have adequate opportunity to set out his claim in writing or orally as the Board may determine.

(7) With effect from the 1st day of January, 2003, any property administered by the Custodian in respect of which no claim has been entered as aforesaid, or if such claim has been made upon its rejection, shall vest in the Government of Malta:

Provided that with reference to immovable property listed in the Schedule to this Act, the rights relating to such property and the said property shall be registered at the Land Registry in the name of the Government of Malta with absolute title in regard to whosoever had a right to submit a claim under this section, but with possessory title in regard to other third parties.

(8) The property to which this section refers shall be that listed in the Schedule to this Act.

SCHEDULE

(Section 4)
Appendix AOFFICE OF THE CUSTODIAN OF ENEMY PROPERTY - BALANCE SHEET AS ON 31ST DECEMBER, 1998
FOR PERIOD 1ST JANUARY TO 31ST DECEMBER, 1998

	Lm	Lm	Lm	Lm	Lm
Sundry Enemy Creditors					
Austrian	110,98.2				
Czechoslovakian	1,376,26.6				
Dutch	16,97.5				
French	199,01.1				
German	3,409,79.6			3,136,71.1	
Italian	6,498,17.8				
Japanese	482,27.4		10,000,00.0		
Polish	24,93.7		2,000,00.0		
Jugoslav	73,78.0				
Miscellaneous	111,38.7	12,303,58.6			15,136,71.1
Creditors					3,782,30.0
Foreign non-enemy	366,01.9				
Local Creditors	1,239,26.7	1,605,28.6		967,00.0	
Miscellaneous					7,284,00.0
Suspense Accounts	1,009,11.4				4,679,16.5
Interest collected on					
Enemy Debts	1,12.5	1,010,23.9			
Reserve A/C (Act No. XII of 1963)		4,000,00.0		347,99.2	
Sundry Creditors Securities A/C*		7,964,65.7		7,538,89.0	
Sundry Creditors Landed		7,284,00.0		7,777.5	
Property A/C**		4,672,16.5			
Sundry Outstanding Creditors		<u>38,846,93.3</u>			<u>7,964,65.7</u>
					<u>38,846,93.3</u>

* Value indicated for Securities is nominal.

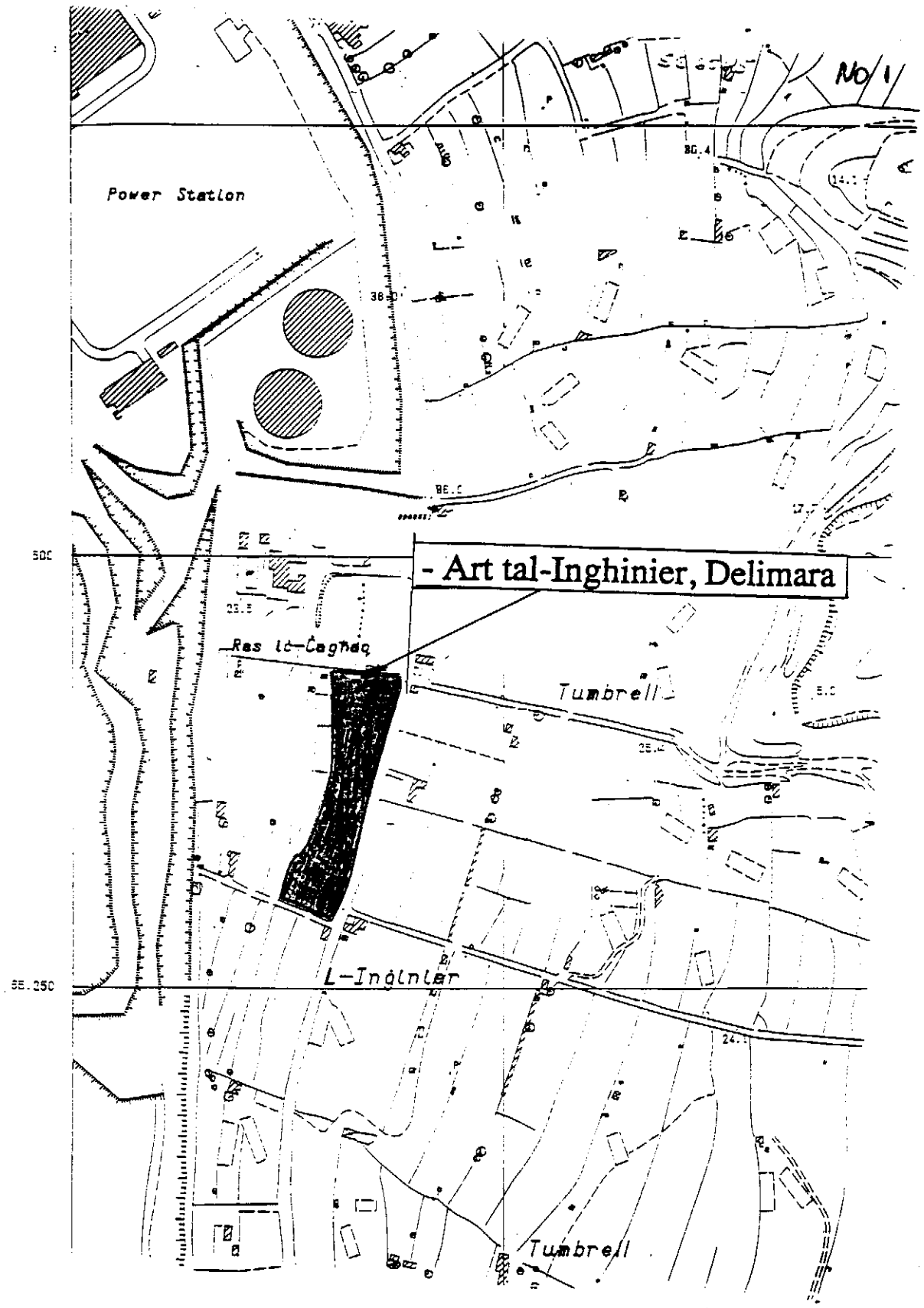
** Value as declared in original registration of property by persons in terms of orders made under Ordinance XLVIII of 1939 (The Trading with the Enemy Ordinance, 1939).

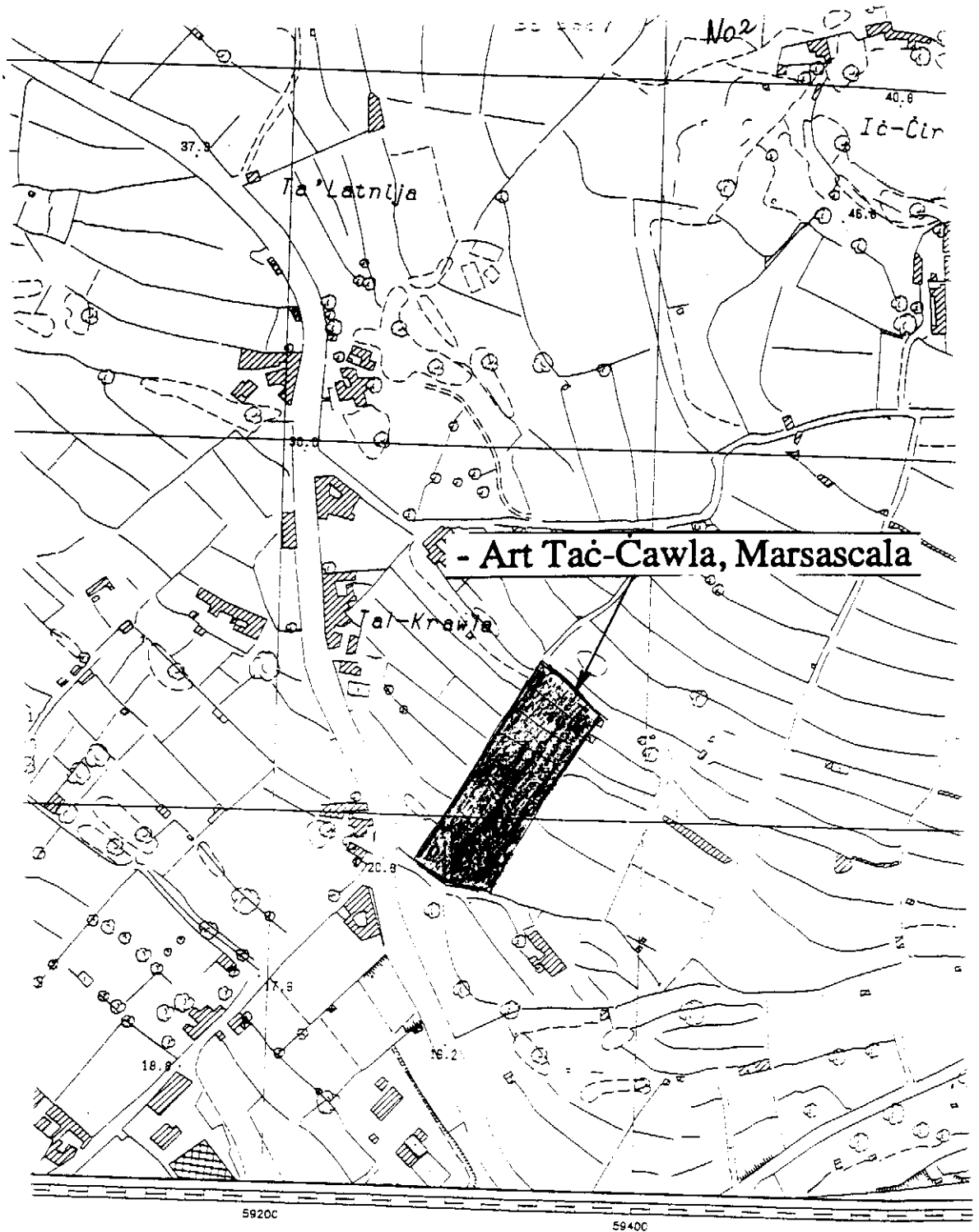
I certify that I have examined the above statement in accordance with the "Enemy Property Act" and regular auditing standards.

In my opinion, the statement properly presents the state of the "Custodian of Enemy Property" for the year ended 31st December, 1998.

(Signed) Dr. Godwin Grima
Custodian of Enemy Property(Signed) John A. Bonnici
Deputy Auditor General

29 March, 1999





George Furst account (German)

- 90A, Old Theatre Street, Valletta
- 435/4 St. Paul's Building, West Street, Valletta (often recorded as 43J/4)

Marianna and Filomena Fauci account (Italian)

- Land Tal-Inghinier, Delimara, as indicated on the site plan number 1, attached to this Appendix
- Land Taç-Ċawla, Marsascale, as indicated on the site plan number 2, attached to this Appendix
- Land Ta' Fwieli, Żabbar, as indicated on the site plan number 3, attached to this Appendix
- 181 Alley 1, Biċċieni Street, Żabbar."

Passed by the House of Representatives at Sitting No. 176 of the 9th November, 1999.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives