

Naghti l-kunsens tieghi.

(L.S.)

GUIDO DE MARCO
President

29 ta' Ottubru, 1999

ATT Nru. XIV ta' l-1999

ATT biex jemenda l-Att dwar it-Trasferiment ta' Artijiet tal-Gvern, Kap. 268.

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. Dan l-Att jista' jissejjah l-Att ta' l-1999 li jemenda l-Att dwar it-Trasferiment ta' Artijiet tal-Gvern, u għandu jinqara u jiftiehem haġa wahda ma' l-Att dwar it-Trasferiment ta' Artijiet tal-Gvern, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.
Kap. 268.

2. Minflok it-tifsira ta' "trasferiment" fl-artikolu 2 ta' l-Att prinċipali għandu jidhol dan li ġej:

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

"trasferiment" tfisser it-trasferiment jew l-ghoti ta' xi art bi kwalunkwe titolu jkun li jkun, magħduda, iżda bla ħsara għall-ġeneralità ta' dak li ntqal qabel:-

(a) kull kirja jew *encroachment* jew jedd iehor ta' użu kif ukoll l-ghoti ta' kull jedd reali jew personali f'xi art jew fuqha;

(b) it-tiġdid ta' kull jedd reali jew personali f'xi art jew fuqha, sew jekk ta'ċitu jew espress b'pattijiet u b'kondizzjonijiet godda (b'dan illi zieda fil-kera, fiċ-ċens jew fil-kumpens għall-użu m'għandhiex titqies bħala kondizzjoni ġdida), iżda inkluż kull tiġdid ta' kull jedd reali jew personali f'xi art jew fuqha, oriġinarjament magħmul b'mod konformi

ma' rizzoluzzjoni speċjali tal-Kamra tad-Deputati, ukoll meta dan isir bl-istess pattijiet u kondizzjonijiet;

(ċ) kull bidla ta' kull kondizzjoni inkluża fit-trasferiment ta' xi art li ma tkunx art trasferita mill-Awtorità tad-Djar jew mill-Gvern għal finijiet ta' abitazzjoni, sakemm l-art tibqa' suġġetta għall-kondizzjoni li tintuża għal finijiet ta' abitazzjoni, jew art li tiġi trasferita minn Kunsill Lokali mwaqqaf taht l-Att ta' l-1993 dwar Kunsilli Lokali:

Att XV ta' l-1993.

Kap. 88.

Iżda t-trasferiment ta' art li tkun giet akkwistata b'titolu li jkun taht id-dispożizzjonijiet ta' l-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi, meta dik l-art ma tkunx għadha meħtieġa għal skop pubbliku, lill-persuna li dik l-art tkun giet hekk akkwistata minghandha, jew lill-eredi fit-titolu tagħha, m'għandux jikkostitwixxi trasferiment għall-finijiet ta' dan l-Att meta t-trasferiment lura jsir għall-korrispettiv (inklużi danni) mhallas mill-Gvern ma' l-akkwist flimkien mal-imghax bir-rata ta' hamsa fil-mija fis-sena mid-data tal-pagament sad-data tat-trasferiment lura lil dawk il-persuni meta dik l-art tkun giet akkwistata mill-Gvern b'titolu ta' pussess assolut, u meta l-art tkun qegħda għand il-Gvern b'titolu ta' Dominju Pubbliku jew ta' Pussess u Użu, it-trasferiment lura jkun suġġett biss għall-waqfien tal-pagament ta' kull sena tal-kera ta' ri-konoxximent jew tal-kera ta' akkwist relattiv skond il-kaz'".

Sostituzzjoni ta' l-artikolu 3 ta' l-Att prinċipali.

3. Minflok l-artikolu 3 ta' l-Att prinċipali, għandu jidhol dan li ġej:

"Art tal-Gvern titneħħa skond dan l-Att.

3. (1) Ebda art li tkun proprjetà tal-Gvern jew li hi amministrata minnu ma tista' tiġi trasferita kemm-il darba dak it-trasferiment ma jsirx skond xi wahda mid-dispożizzjonijiet li ġejjin, jiġifieri -

(a) wara sejha għal offerti imxandra fil-Gazzetta dwar il-proprjetà li tkun se tiġi trasferita; jew

(b) skond *policy* applikabbli għall-art li jkun hemm il-hsieb li tiġi ttrasferita u approvata b' rizzoluzzjoni tal-Kamra tad-Deputati li tkun fis-seħh fil-waqt tat-trasferiment; jew

(ċ) skond rizzoluzzjoni speċjali tal-Kamra tad-Deputati li tkun fis-seħh fil-waqt tat-trasferiment; jew

(d) lil enti morali imwaqqaf b'ligi għall-ghanijiet ta' xi funzjoni ta' dak il-korp:

Iżda kull art trasferita lil enti morali, minbarra l-Awtorità tad-Djar jew xi Kunsill Lokali mwaqqaf taht l-Att ta' l-1993 dwar Kunsilli Lokali skond dan is-subparagrafu (maghdud trasferiment li jsirli minn enti morali iehor kif awtorizzat b'dan il-proviso) ma tistax minghajr l-approvazzjoni tal-Kamra tad-Deputati moghtija b'rizoluzzjoni, jew skond dan is-subartikolu, tiġi trasferita minn ebda enti morali, minbarra l-Awtorità tad-Djar jew xi Kunsill Lokali kif hawn aktar qabel imsemmi, hlief favur il-Gvern jew xi enti morali iehor imwaqqaf b'ligi; jew

(e) skond xi ligi ohra li ghal dak iż-żmien tkun fis-sehh.

(2) Rizoluzzjoni tal-Kamra tad-Deputati mgħoddija għall-finijiet tas-subartikolu (1) tibqa' fis-sehh -

(i) jekk tittiehed għall-finijiet tal-paragrafu (b) tiegħu, għal żmien tlett snin mid-data li tghaddi; u

(ii) jekk tittiehed għall-finijiet tal-paragrafu (c) jew tal-paragrafu (d) tiegħu, għal żmien sena mill-gurnata li fiha tghaddi:

iżda kull rizoluzzjoni bhal dik tista' tiġgedded b'rizoluzzjoni jew b'rizoluzzjonijiet ohra li jsiru wara għal perijodu iehor jew għal perijodi ohra ta' tlett snin jew ta' sena rispettivament jew għal dak il-perijodu l-iehor, li ma jkunx ta' iżjed minn tlett snin jew ta' sena rispettivament, li jista' jiġi speċifikat fir-risoluzzjoni.

(3) Trasferiment ta' art li għaliha japplika s-subartikolu (1), li jsir skond id-dispożizzjonijiet ta' dan l-artikolu ma jkun jehtieg ebda awtorità jew sanzjoni ohra.

(4) Qabel jinghata avviz ta' mozzjoni li tkun proposta ta' rizoluzzjoni bhal dik imsemmija fil-paragrafu (c) tas-subartikolu (1) ta' dan l-artikolu lill-Iskrivan tal-Kamra minn Ministru, dak il-Ministru għandu jara li dik il-mozzjoni għandha tintbagħat quddiem il-Kumitat tal-Kontijiet dwar l-Uffiċċju Nazzjonali tal-Verifika taht it-Taqsima IV tat-Tieni Skeda li tinsab ma' l-Att ta' l-1997 dwar l-Awditur Generali u l-Uffiċċju Nazzjonali tal-Verifika, u ebda avviz ta' mozzjoni kif imsemmi hawn aktar qabel ma jkun jista' jinghata qabel ma dak il-kumitat ikun għamel diskussjoni dwar il-mozzjoni u rrapporta dwarha lill-Kamra.

(5) Mhux aktar tard minn hmistax-il ġurnata wara li Ministru jkun ġieghel li avviż kif hemm imsemmi fis-subartikolu (4) ta' dan l-artikolu għandu jintbagħat lill-Kumitat tal-Kontijiet dwar l-Uffiċċju Nazzjonali tal-Verifika, dan għandu jiltaqa' sabiex jiddiskuti l-abbozz ta' l-att jew ta' l-iskrittura jew ta' l-avviż, skond il-każ, u dan għandu mhux aktar tard minn xahar wara li l-imsemmi abbozz ta' att jew ta' skrittura jew ta' avviż, skond il-każ, ikun intbagħat lill-Kamra:

Izda fejn dak il-Kumitat ma jagħmilx rapport lill-Kamra, b'mod definittiv, fi żmien l-imsemmi perjodu ta' xahar, il-Ministru jista' jipproċedi billi jagħti avviż lill-Iskrivan tal-Kamra li jipproponi riżoluzzjoni kif imsemmija fis-subartikolu (1) ta' dan l-artikolu.

(6) Meta l-Kumitat imsemmi fis-subartikolu ta' qabel dan hekk jiltaqa' għall-iskopijiet ta' dan l-Att, ikunu jistgħu wkoll jattendu u jiehdu sehem fid-dibattitu quddiem l-istess Kumitat, mingħajr dritt ta' vot, żewġ membri oħra tal-Kamra tad-Deputati, wiehed nominat mill-Prim Ministru u l-iehor mill-Kap ta' l-Oppożizzjoni.

(7) Meta r-rapport tal-Kumitat tal-Kontijiet dwar l-Uffiċċju Nazzjonali tal-Verifika fuq xi mozzjoni jkun wiehed unanimu, il-Kamra għandha tghaddi biex tivvota fuq dik il-mozzjoni u fuq kull emenda li tiġi proposta f'dak ir-rapport mingħajr ebda dibattitu.”.

Emenda
konsegwenzjali
għall-Att ta'
l-1997 dwar l-
Awditur Ġenerali u
l-Uffiċċju
Nazzjonali
tal-Verifika.
Att XVI ta' l-1997.

4. L-artikolu 6 ta' l-Att ta' l-1997 dwar l-Awditur Ġenerali u l-Uffiċċju Nazzjonali tal-Verifika għandu jiġi emendat kif ġej:-

(a) id-dispożizzjoni kif inhi għandha tiġi enumerata mill-ġdid bħala s-subartikolu (1) ta' l-artikolu; u

(b) minnufih wara s-subartikolu (1) tiegħu kif enumerat mill-ġdid għandu jiżdied dan is-subartikolu li ġej:-

“(2) Il-Kumitat tal-Kontijiet dwar l-Uffiċċju Nazzjonali tal-Verifika mwaqqaf taht it-Taqsima IV tat-Tieni Skeda li tinsab ma' dan l-Att għandu jkollu s-setgħat u l-funzjonijiet stabbiliti fl-imsemmija Tieni Skeda kif ukoll dawk is-setgħat u funzjonijiet oħra kollha li jistgħu jiġu lill-assenjati b'kull liġi oħra li tkun.”.

5. (1) Kull rizzoluzzjoni magħmula skond il-paragrafu (b), (ċ) jew (d) tas-subartikolu (1) ta' l-artikolu 3 ta' l-Att prinċipali kif fis-sehh qabel id-dhul fis-sehh ta' dan l-Att, sew jekk oriġinali jew imgedda għal xi perijodu, għandha tibqa' ssehh jew għandha titqies bhala li baqghet issehh, skond il-każ, bhallikieku dawk ir-rizzoluzzjonijiet saru skond is-subartikolu (1) ta' l-artikolu 3 ta' l-Att prinċipali kif emendat b'dan l-Att, u dawn għandhom jibqgħu isehhu jew jitqiesu li baqghu isehhu, skond il-każ, daqslikieku kienu saru skond l-imsemmi subartikolu (1) ta' l-artikolu 3 ta' l-Att prinċipali kif emendat b'dan l-Att, u kull trasferiment magħmul skond xi rizzoluzzjoni bhal dik, sew jekk oriġinali sew jekk imgedded għal xi perijodu, ikun wiehed validu.

Dispożizzjonijiet
transitorji.

(2) Id-dispożizzjonijiet ta' l-Att prinċipali ma għandhomx japplikaw, u għandhom jitqiesu li qatt ma applikaw, fir-rigward ta' trasferimenti magħmula mill-Uffiċċju Kongunt bejn it-23 ta' Lulju, 1997, u l-31 ta' Lulju, 1998.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru 167 tas-27 ta' Ottubru, 1999.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GUIDO DE MARCO
President

29th October, 1999

ACT No. XIV of 1999

AN ACT to amend the Disposal of Government Land Act, Cap. 268.

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. This Act may be cited as the Disposal of Government Land (Amendment) Act, 1999, and shall be read and construed as one with the Disposal of Government Land Act, hereinafter referred to as “the principal Act”.

Cap. 268.

Amendment of
section 2 of the
principal Act.

2. For the definition of “disposal” in section 2 of the principal Act, there shall be substituted the following:

“ “disposal” means the transfer or grant of any land under any title whatsoever, including, but without prejudice to the generality of the aforesaid:-

(a) any lease or encroachment or other right of use as well as any grant of any real or personal right in or over any land;

(b) a renewal of any real or personal right in or over any land, whether tacit or expressed on new terms and conditions (provided that an increase in rent, ground rent or compensation for use shall not be deemed to be a new condition), but including a renewal of any real or personal right in or over any land originally made in pursuance of a

special resolution of the House of Representatives, even when made on the same terms and conditions;

(c) any change of any condition included in the disposal of any land other than land disposed of by the Housing Authority or by the Government for housing purposes, as long as the land remains subject to the condition that it be used for housing purposes, or land disposed of by a Local Council established under the Local Councils Act, 1993;

Act XV of 1993.

Provided that the transfer of any land acquired under any title under the provisions of the Land Acquisition (Public Purposes) Ordinance, where such land is no longer required for a public purpose, to the person from whom such land was so acquired, or to his successors in title, shall not constitute a disposal for the purposes of this Act where the transfer back is made for the consideration (including damages) paid by the Government on the acquisition together with interests at five per centum per annum from the date of the payment up to the date of the transfer back to such persons where such land was acquired by the Government under absolute ownership, and where the land is held by Government on Public Tenure or Possession and Use, the transfer back is made subject only to the cessation of the annual payment of the relative recognition rent or acquisition rent as the case may be.”

Cap.88.

3. For section 3 of the principal Act, there shall be substituted the following:

Substitution of section 3 of the principal Act.

“Government land to be disposed of in terms of this Act.

3. (1) No land which belongs to or is administered by the Government shall be disposed of unless such disposal is made in accordance with one of the following provisions, that is to say -

(a) after a call for tenders published in the Gazette in respect of the property proposed to be disposed of; or

(b) in accordance with a policy applicable to the land proposed to be disposed of and approved by a resolution of the House of Representatives which is in force at the time of the disposal; or

(c) in accordance with a special resolution of the House of Representatives which is in force at the time of the disposal; or

(d) to a body corporate established by law for the purposes of any function of such body:

Provided that any land disposed of to a body corporate, other than the Housing Authority or a Local Council established under the Local Councils Act, 1993, under this subparagraph (including a disposal made to it by another body corporate as authorised by this proviso) shall not without the approval of the House of Representatives expressed in a resolution, or in accordance with this subsection, be disposed of by any body corporate, other than the Housing Authority or a Local Council as aforesaid, except in favour of the Government or of another body corporate established by law; or

(e) in accordance with any other law for the time being in force.

(2) A resolution of the House of Representatives passed for the purposes of subsection (1) shall continue in force -

(i) if taken for the purposes of paragraph (b) thereof, for a period of three years from the date it is passed; and

(ii) if taken for the purposes of paragraph (c) or paragraph (d) thereof, for a period of one year from the day it is passed;

but any such resolution may be renewed by a subsequent resolution or resolutions for a further period or for further periods of three years or one year respectively or for such other period, being of not more than three years or one year respectively, as may be specified in the resolution.

(3) A disposal of land to which subsection (1) applies, made in accordance with the provisions of this section shall not require any further authority or sanction.

(4) Before notice of a motion proposing a resolution as is referred to in paragraph (c) of sub-section (1) of this section, is given to the Clerk of the House by a Minister, such Minister shall cause such motion to be referred to the National Audit Office Accounts Committee established under Part IV of the Second Schedule to the Auditor General and National Audit Office Act 1997, and no notice of a motion as aforesaid may be given before the said committee shall have discussed the motion and reported thereon to the House.

(5) Not later than fifteen days after a Minister shall have caused a notice as is referred to in sub-section (4) hereof to be referred to it, the National Audit Office Accounts Committee shall meet to discuss the draft deed or writing or notice, as the case may be, and shall not later than one month after the said draft deed or writing or notice, as the case may be, has been referred to it, report thereon to the House:

Provided that where the said Committee fails to report to the House in a final manner within the said period of one month, the Minister may proceed to give notice to the Clerk of the House proposing a resolution as is referred to in subsection (1) of this section.

(6) When the Committee referred to in the preceding subsection is convened for the purposes of this Act, two additional members of the House of Representatives, one appointed by the Prime Minister, the other by the Leader of the Opposition, shall have the right to attend, and take part in the debate in this Committee, without the right to vote.

(7) Where the report of the National Audit Office Accounts Committee on a motion is unanimous, the House shall proceed to vote on such motion and on any amendments proposed in the said report without debate.”.

4. Section 6 of the Auditor General and National Audit Office Act, 1997 shall be amended as follows:

Consequential amendment to the Auditor General and National Audit Office Act, 1997. Act XVI of 1997.

(a) The present provision shall be renumbered as sub-section (1) thereof; and

(b) immediately after sub-section (1) thereof as renumbered there shall be added the following sub-section:

“(2) The National Audit Office Accounts Committee established under Part IV of the Second Schedule to this Act shall have the powers and functions as set out in the said Second Schedule as well as such other powers and functions as may be assigned to it by any other law.”.

5. (1) Any resolution made in accordance with paragraph (b), (c) or (d) of subsection (1) of section 3 of the principal Act as in force before the coming into force of this Act, whether original or renewed for any period, shall continue in force or shall be deemed to have remained in force, as the case may be, as if such resolutions were made in accordance with subsection (1) of section 3 of the principal Act as

Transitory provisions.

amended by this Act, and shall continue in force or be deemed to have remained in force, as the case may be, as if they had been made under the said subsection (1) of section 3 of the principal Act as amended by this Act. And any transfer made in accordance with any such resolution, whether original or renewed for any period, shall be valid.

(2) The provisions of the principal Act shall not apply, and shall be deemed to have never applied, to transfers made by the Joint Office between the 23rd July, 1997, and the 31st July, 1998.

Passed by the House of Representatives at Sitting No. 167 of the 27th October, 1999.

ANTON TABONE
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives