

MALTA

ATT Nru. I ta' l-1988

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

ATT biex ikompli jemenda l-Att ta' l-1974 dwar l-Akkwist ta' Proprjetà Immobbli minn Persuni mhux Residenti.

ACT No. I of 1988

AN ACT enacted by the Parliament of Malta,

AN ACT further to amend the Immovable Property (Aquisition by Non-Residents) Act, 1974.

Nagħti l-kunsens tiegħi.

(L.S.)

PAUL XUEREB
Agent President

19 ta' Jannar, 1988

ATT Nru. I ta' l-1988

ATT biex ikompli jemenda l-Att ta' l-1974 dwar l-Akkwist ta' Proprjetà Immobbli minn Persuni mhux Residenti.

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' jissejjaħ l-Att ta' l-1988 li jemenda l-Att dwar l-Akkwist ta' Proprjetà Immobbli minn Persuni mhux Residenti, u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1974 dwar l-Akkwist ta' Proprjetà Immobbli minn Persuni mhux Residenti, hawn-hekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

Att XXXVII
ta' l-1974.

2. L-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

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

(a) minflok id-definizzjoni ta' "Ministru" għandu jidhol dan li ġej:

““Ministru” tfisser il-Ministru responsabbli għall-finanzi, u minbarra għall-finijiet ta' ordni li jsir skond il-paragrafu (b) tas-subartikolu (1) ta' l-artikolu 5, u għall-finijiet ta' l-artikolu 7 ta' l-Att, tinkludi meta jkun delegat bil-miktub mill-Ministru, kull uffiċjal pubbliku fil-Ministeru tal-Finanzi li jkun hekk delegat mill-Ministru.”;

(b) minflok is-subparagrafu (iii) tal-paragrafu (b) fid-definizzjoni ta' "persuna mhux residenti" għandu jidhol dan li ġej:

“(iii) hamsa u ghoxrin fil-mija jew iżjed mill-kapital azzjonali jew kapital ieħor tagħha jkun proprjetà ta' persuna mhux residenti; jew”; u

(c) minflok id-definizzjoni "persuna residenti ta' Malta" għandu jidhol dan li ġej:

““persuna residenti ta' Malta” tfisser individwu li jkun —

(a) ċittadin ta' Malta; jew

(b) mizzewweg lil ċittadin jew ċittadina ta' Malta jekk bejn dawk il-mizzewgħin ikun hemm teżisti l-komunjoni ta' l-akkwisti”.

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

3. L-artikolu 3 ta' l-Att prinċipali għandu jiġi emendat kif ġej:
(a) id-dispożizzjoni preżenti għandha tiġi enumerata mill-ġdid bħala s-subartikolu (1) tiegħu; u

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

“(2) Is-subartikolu (1) ta' dan l-artikolu ma għandux japplika għal:

(a) l-akkwist ta' qabar jew sit għal qabar minn persuna mhux residenti; u

(b) il-fidwa minn persuna mhux residenti ta' kull ċens jew piż ieħor fuq kull proprjetà immobbli li tkun għet akkwistata skond il-liġi minn dik il-persuna mhux residenti.”.

Emenda ta' l-artikolu 5 ta' l-Att prinċipali.

4. Is-subartikolu (1) ta' l-artikolu 5 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) minflok il-kliem “sitt elef lira” fil-paragrafu (b) tiegħu għandhom jidhlu l-kliem “tmint elef lira Maltija”; u

(b) minnufih wara l-paragrafu (b) tal-proviso li hemm miegħu, għandu jiżdied dan il-proviso li ġej:

“Izda wkoll il-Ministru jista' jzomm il-permess tiegħu għall-akkwist ta' kull proprjetà immobbli li huwa jqis li jkollha importanza storika, jew li tkun tinstab f'lokalità storika.”.

Dispożizzjoni transitorja.

5. Id-dispożizzjonijiet tal-paragrafu (b) tad-definizzjoni ta' “persuna residenti ta' Malta” fl-artikolu 2 ta' l-Att prinċipali kif emendat b'dan l-Att, għandhom jitqiesu li bdew isehhu fit-30 ta' Mejju, 1974.

Mgħoddj mill-Kamra tad-Deputati fis-Seduta Nru. 59 tat-13 ta' Jannar, 1988.

JIMMY FARRUGIA
Speaker

P. MUSCAT TERRIBILE
Agent Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

PAUL XUEREB
Acting President

19th January, 1988

ACT No. I of 1988

AN ACT further to amend the Immovable Property (Acquisition by Non-Residents) Act, 1974.

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:—

1. This Act may be cited as the Immovable Property (Acquisition by Non-Residents) (Amendment) Act, 1988, and shall be read and construed as one with the Immovable Property (Acquisition by Non-Residents) Act, 1974, hereinafter referred to as "the principal Act".

Short Title.
Act XXXVII
of 1974.

2. Section 2 of the principal Act shall be amended as follows:

Amendment of
section 2 of the
principal Act.

(a) for the definition of "Minister" there shall be substituted the following:

" "Minister" means the Minister responsible for finance, and except for the purposes of an order made in terms of paragraph (b) of subsection (1) of section 5, and for the purposes of section 7 of the Act, includes where delegated in writing by the Minister, any public officer in the Ministry of Finance so delegated by the Minister;"

(b) for sub-paragraph (iii) of paragraph (b) in the definition of "non-resident person" there shall be substituted the following:

"(iii) twenty-five per cent or more of its share or other capital is owned by a non-resident person; or"; and

(c) for the definition "resident of Malta" there shall be substituted the following:

" "resident of Malta" means an individual who is —

(a) a citizen of Malta; or

(b) the spouse of a citizen of Malta if between such spouses there is established the community of acquests;”.

Amendment of section 3 of the principal Act.

3. Section 3 of the principal Act shall be amended as follows:

(a) the present provision shall be renumbered as subsection (1) thereof; and

(b) immediately after subsection (1) thereof, as renumbered there shall be added the following subsection:

“(2) Subsection (1) of this section shall not apply to:

(a) the acquisition of a grave or a site for a grave by a non-resident person; and

(b) to the redemption by a non-resident person of any groundrent or other burthen encumbering any immovable property lawfully acquired by such non-resident person.”.

Amendment of section 5 of the principal Act.

4. Subsection (1) of section 5 of the principal Act shall be amended as follows:

(a) for the words “six thousand pounds” in paragraph (b) thereof there shall be substituted the words “eight thousand Maltese liri”; and

(b) immediately after paragraph (b) of the proviso thereto, there shall be added the following proviso:

“Provided further that the Minister may withhold his permission for the acquisition of any immovable property which he considers to be of historical importance, or as being situate in a historical locality.”.

Transitory provision.

5. The provisions of paragraph (b) of the definition of “resident of Malta” in section 2 of the principal Act as amended by this Act, shall be deemed to have come into force on the 30th May, 1974.

Passed by the House of Representatives at Sitting No. 59 of the 13th January, 1988.

JIMMY FARRUGIA
Speaker

P. MUSCAT TERRIBILE
Acting Clerk to the House of Representatives