

MALTA

ATT Nru. XI ta' l-1983

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

ATT biex ikompli jemenda l-Att ta' l-1981 dwar ir-Registrazzjoni ta' Arti-jiet.

ACT No. XI of 1983

AN ACT enacted by the Parliament of Malta.

AN ACT further to amend the Land Registration Act, 1981.

Nagħti l-kunsens tiegħi.

(L.S.)

AGATHA BARBARA
President

12 ta' Lulju, 1983

ATT Nru. XI ta' l-1983

ATT biex ikompli jemenda l-Att ta' l-1981 dwar ir-Registrazzjoni ta' Artijiet.

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:—

Titolu fil-qosor.

1. Dan l-Att jista' jissejjah l-Att ta' l-1983 li jemenda l-Att dwar ir-Registrazzjoni ta' Artijiet, u għandu jinqara u jiftiehem haġa waħda ma' l-Att ta' l-1981 dwar ir-Registrazzjoni ta' Artijiet, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Zieda ta' artikoli godda ma' l-Att prinċipali.

2. Minnufih wara l-artikolu 14 ta' l-Att prinċipali, għandhom jiżdiedu l-artikoli godda li ġejjin:

"Il-Ministru jista' jordna li ċerti artijiet jiġu registrati. 14A. (1) Il-Ministru jista' minn żmien għal żmien, b'ordni fil-Gazzetta jordna li kull titolu għal art jiġi registrat sew jekk dik l-art tkun f'area ta' registrazzjoni sew jekk le.

(2) Il-Ministru jista' jagħmel dak l-ordni jew:

(a) b'riferenza għal arei partikolari li jiġu murija b'riferenza għal mappa jew mapep inklużi fl-ordni jew b'dak il-mod l-iehor li jidhiru xieraq; jew

(b) b'riferenza għal xi persuna jew grupp ta' persuni; jew

(ċ) b'riferenza għal xi tip ta' titolu jew jedd fi jew fuq proprjetà.

(3) Il-Ministru jista' f'kull ordni bħal dak jordna li dik ir-registrazzjoni ssir fi żmien li jiġi stabbilit fl-ordni, liema żmien f'ebda każ ma jkun inqas minn tliet xhur.

(4) Meta art tigi registrata bis-saħħa ta' dan l-artikolu, dan l-Att għandu japplika għaliha daqslikieku kienet qiegħda f'area ta' registrazzjoni.

(5) Kull persuna li —

(a) tonqos li thares ordni magħmul mill-Ministru bis-saħħa tas-subartikolu (1) ta' dan l-artikolu; jew

(b) waqt xi proċedimenti quddiem ir-registratur jew qorti skond dan l-Att, u dwar xi art li għandha tiġi registrata skond ordni magħmul mill-Ministru bis-saħħa tas-subartikolu (1) ta' dan l-artikolu, bil-ħsieb li taħbi t-titolu jew il-pretensjoni ta' xi persuna jew biex b'sustenn ta' talba falza ma tressaqx, jew tipprova ma tressaqx, jew tiegħu sehem biex ma jitressaqx xi dokument jew fatt; jew

(c) dwar xi art li għandha tiġi registrata skond ordni magħmul mill-Ministru bis-saħħa tas-subartikolu (1) ta' dan l-artikolu, b'qerq tikseb, jew tipprova b'qerq tikseb, jew tiegħu sehem biex b'qerq jinkiseb xi dħul fi, thas-sir minn jew tibdil fir-registru jew f'xi ċertifikat ta' art jew f'ċertifikat ta' ipoteka;

tkun hatja ta' reat kontra dan l-Att u tehel meta tinsab hatja l-pieni stab-
biliti fl-artikolu 56 ta' dan l-Att, u l-Qorti tista' tordna l-konfiska favur
il-Gvern, ta' l-art li dwarha jkun sar ir-reat,

Registrazz-
joni ta'
ċerti
jeddijiet.

14B. (1) Il-Ministru jista' minn żmien għal żmien, b'ordni fil-Gazzetta jordna li l-jeddijiet imsemmija f'xi wie-
hed mill-paragrafi (a) sa (1) tas-subartikolu (1) ta' l-artikolu
41 ta' dan l-Att jiġu ddenunzjati lir-registratur sew jekk l-art
soġġetta għal dawk il-jeddijiet tkun f'area ta' registrazzjoni
sew jekk le, u sew jekk dik l-art tkun registrata sew jekk le.

(2) Il-Ministru jista' jagħmel dak l-ordni jew:

(a) b'riferenza għal arei partikolari li jiġu murija b'riferenza għal mappa jew mapep inklużi fl-ordni jew b'dak il-mod l-ieħor li jidhirlu xieraq; jew

(b) b'riferenza għal xi persuna jew grupp ta' persuni li l-art tagħhom tkun soġġetta għal xi jedd imsemmi fis-subartikolu (1) ta' dan l-artikolu; jew

(c) b'riferenza għal xi persuna jew grupp ta' persuni li favurihom jew favur art tagħhom ikun jeżisti xi jedd imsemmi fis-subartikolu (1) ta' dan l-artikolu.

(3) Il-Ministru jista' f'kull ordni bħal dak jordna li dik id-denzja ssir fi żmien li jiġi stabbilit fl-ordni, liema żmien f'ebda każ ma jkun inqas minn tliet xhur.

(4) Id-denzja msemmija fis-subartikolu (1) ta' dan l-artikolu għandha ssir fuq dik il-formula li r-registratur joħroġ skond kif jipprovdi s-subartikolu (1) ta' l-artikolu 5 ta' dan l-Att u għandu jkollha magħha dik l-informazzjoni u dawk id-dokumenti li jista' jitlob ir-registratur.

(5) Ir-registratur għandu jzomm elenku tad-denzji li jkunu saru lillu skond is-subartikolu (1) ta' dan l-artikolu.

(6) (i) Kull persuna li favuriha jkun sar trasferiment ta' xi jedd iddenunzjat lir-registratur għandha, fi żmien tmintax-il gurnata minn dak it-trasferiment, tagħti avviż dwaru lir-registratur fuq dik il-formula li r-registratur joħroġ skond kif jipprovdi s-subartikolu (1) ta'

l-artikolu 5 ta' dan l-Att; u r-registratur għandu jagħmel notament ta' dak it-trasferiment fl-elenku msemmi fis-subartikolu (5) ta' dan l-artikolu;

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(ii) Għall-finijiet ta' dan l-artikolu, trasferiment ta' jedd jinkludi estinzjoni ta' dak il-jedd, tibdil fil-modalitajiet li jirregolawh, liberazzjoni ta' xi art minn xi jedd, fiha jew fuqha, u trasferiment li jsir permezz ta' nota magħmula skond id-dispożizzjonijiet ta' l-artikolu 6 ta' l-Att ta' l-1983 dwar id-Devoluzzjoni ta' Ċerta Proprjetà ta' Knejjes.

(7) Kull persuna li tonqos li thares ordni magħmul mill-Ministru bis-saħħa tas-subartikolu (1) ta' dan l-artikolu, jew tonqos li tagħti l-avviż imsemmi fis-subartikolu (6) ta' dan l-artikolu fiż-żmien hemm indikat, tkun hatja ta' reat kontra dan l-Att u tehel meta tinstab hatja l-pieni stabiliti fl-artikolu 56 ta' dan l-Att.”

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 118 tal-11 ta' Lulju, 1983.

DANIEL MICALLEF
Speaker

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

AGATHA BARBARA
President

12th July, 1983

ACT No. XI of 1983

AN ACT further to amend the Land Registration Act, 1981.

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 Land Registration (Amendment) Act, 1983, and shall be read and construed as one with the Land Registration Act, 1981, hereinafter referred to as "the principal Act".

Short title.

2. Immediately after section 14 of the principal Act, there shall be added the following new sections:

Addition of new sections to the principal Act.

"The Minister may order that certain lands be registered.

14A. (1) The Minister may from time to time, by order in the Gazette direct that any title to land shall be registered whether such land is or is not in a registration area.

(2) The Minister may make such order either:

(a) with reference to particular areas which shall be defined by reference to a map or maps included in the order or in such other manner as he may deem appropriate; or

(b) with reference to any person or group of persons; or

(c) with reference to any type of title or right in or over property.

(3) The Minister may in any such order direct that such registration shall be made within a period to be fixed in the order, which period shall in no case be of less than three months.

(4) Where land is registered by virtue of this section, this Act shall apply thereto as if it were situated in a registration area.

(5) Any person who —

(a) fails to comply with an order made by the Minister in virtue of subsection (1) of this section; or

(b) in the course of any proceedings before the registrar or a court in pursuance of this Act, and in relation to any land which is to be registered pursuant to an order made by the Minister in virtue of subsection (1) of this section, with intent to conceal the title or claim of any person, or to substantiate a false claim, suppresses, attempts to suppress, or is privy to the suppression of, any document or fact; or

(c) in relation to any land which is to be registered pursuant to an order made by the Minister in virtue of subsection (1) of this section, fraudulently procures or attempts fraudulently to procure, or is privy to the fraudulent procurement of any entry on, erasure from or alteration of, the register or any land or charge certificate;

shall be guilty of an offence against this Act and on conviction shall be liable to the penalties established in section 56 of this Act, and the Court may order the forfeiture in favour of the Government, of the land in respect of which the offence is committed.

Registration of certain rights.

14B. (1) The Minister may from time to time, by order in the Gazette, direct that the rights referred to in any of paragraphs (a) to (l) of subsection (1) of section 41 of this Act shall be declared to the registrar, whether the land subject to such rights is or is not in a registration area and whether such land is registered or not.

(2) The Minister may make such order either :

(a) with reference to particular areas which shall be defined by reference to a map or maps included in the order or in such other manner as he may deem appropriate; or

(b) with reference to any person or group of persons whose land is subject to any right referred to in subsection (1) of this section; or

(c) with reference to any person or group of persons in whose favour or in favour of whose land any right referred to in subsection (1) of this section exists.

(3) The Minister may in any such order direct that such declaration shall be made within a period to be fixed in the order, which period shall in no case be less than three months.

(4) The declaration referred to in subsection (1) of this section shall be made on such form issued by the registrar as is provided in subsection (1) of section 5 of this Act and shall be accompanied by such information and documents as the registrar may require.

(5) The registrar shall keep a roll of the declarations made in pursuance of subsection (1) of this section.

(6) (i) Any person in whose favour any right declared to the registrar has been transferred shall, within eighteen days from such transfer, give notice thereof to the registrar on such form issued by the registrar as is provided in subsection (1) of section 5 of this Act; and the registrar shall note such transfer in the roll referred to in subsection (5) of this section;

(ii) For the purposes of this section transfer of a right includes the extinction of that right, change in the modalities regulating it, the release of any land from any right in or over such land, and the transfer effected by means of a note made in accordance with the provisions of section 6 of the Devolution of Certain Church Property Act, 1983.

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(7) Any person who fails to comply with an order made by the Minister in virtue of subsection (1) of this section or who fails to give the notice referred to in subsection (6) of this section within the period therein stipulated shall be guilty of an offence against this Act and shall on conviction be liable to the penalties established in section 56 of this Act.”.

Passed by the House of Representatives at Sitting No. 118 of the 11th July, 1983.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives