Suppliment tal-Gazzetta tal-Gvern ta' Malta Nru. 14,244, 24 ta' Frar, 1984
Taqsima A

MALTA

ATT Nru. III ta' l-1984

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

ATT biex jemenda l-Att ta' l-1982 li jirregola t-Trasferiment ta' Immobbli.

ACT No. III of 1984

AN ACT enacted by the Parliament of Malta.

AN ACT to amend the Transfer of Immovables (Regulation) Act, 1982.

Naghti l-kunsens tieghi.

(L.S.)

CARMELO SCHEMBRI
Aġent President

24 ta' Frar, 1984

ATT Nru. III ta' l-1984

ATT biex jemenda l-Att ta' l-1982 li jirregola t-Trasferiment ta' Immobbli.

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

Titolu fl-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1984 li jemenda l-Att li jirregola t-Trasferiment ta' Immobbli u għandu jinqara u jiftiehem ħaġa waħda ma' l-Att ta' l-1982 li jirregola t-Trasferiment ta' Immobbli, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

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

2. Minflok it-tifsira ta' "Kummissarju" li hemm fl-artikolu 2 ta' l-Att prinċipali għandha tidħol it-tifsira ġdida li ġejja:

" "Kummissarju" tfisser il-Kummissarju ta' l-Artijiet, u tinkludi kull uffiċjal pubbliku li jkollu awtorità espressa mingħand il-Kummissarju biex jaġixxi minfloku fit-twettieq ta' xi dispożizzjoni ta' dan l-Att;".

Żieda ta' artikolu ġdid 7A ma' l-Att prinċipali.

3. Minnufih wara l-artikolu 7 ta' l-Att prinċipali għandu jiżdied l-artikolu ġdid li ġej:

"Trasferimenti eżentati mid-dispożizzjonijiet ta' dan l-Att.

7A. Id-dispożizzjonijiet ta' dan l-Att m'għandhomx japplikaw għal:

Att Nru XXXIII ta' l-1976 Kap. 24

(a) xi trasferiment ta' immobbli magħmul mill-Awtorità tad-Djar skond xi direttiva mogħtija skond l-artikolu 9 ta' l-Att ta' l-1976 dwar l-Awtorità tad-Djar, xi trasferiment magħmul mill-Gvern skond l-Att ta' l-1976 dwar it-Trasferiment ta' Artijiet tal-Gvern, u xi għoti mill-Gvern taħt l-Ordinanza dwar id-Dfin, u xi trasferiment magħmul mill-Gvern jew minn xi korp magħqud ieħor imwaqqaf b'liġi meta l-prezz ikun stabbilit minn jew taħt xi liġi jew meta dak it-trasferiment ikun approvat minn, jew magħmul taħt, *policy* approvata mill-Kamra tad-Deputati skond id-dispożizzjonijiet ta' xi liġi;

(b) xi bejgħ ordnat minn xi Qorti f'Malta:

Iżda għall-finijiet ta' dan il-paragrafu bejgħ ordnat minn Qorti ma jinkludix bejgħ sussegwenti għal sentenza jew ordni ta' xi Qorti fuq talba f'ċitazzjoni sabiex titwettaq wegħda ta' bejgħ;

(ċ) xi diviżjoni ta' immobbli;

(d) xi assenjazzjoni ta' immobbli bejn miżżewġin, sew jekk dawk l-immobbli jkunu parti mill-komunjoni ta' l-akkwisti sew jekk le, u sew jekk dik l-assenjazzjoni tkunx jew le minħabba separazzjoni personali tal-miżżewġin, dikjarazzjoni ta' nullità ta' żwieġ, xoljiment tal-komunjoni ta' l-akkwisti jew xi raġuni oħra;

(e) xi trasferiment favur il-Gvern jew favur xi korp magħqud imwaqqaf b'liġi; u

(f) xi fidi ta' ċens li jsir skond l-artikolu 1582A tal-Kodiċi Ċivili.".

Effett ta' l-emendi

4. L-emendi magħmula bl-artikolu 3 ta' dan l-Att għandhom jitqiesu li kienu jseħħu mal-bidu fis-seħħ ta' l-Att prinċipali.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru. 157 tat-22 ta' Frar, 1984.

DANIEL MICALLEF
Speaker

C. MIFSUD
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

CARMELO SCHEMBRI
Acting President

24th February, 1984

ACT No. III of 1984

AN ACT to amend the Transfer of Immovables (Regulation) Act, 1982.

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 Transfer of Immovables (Regulation) (Amendment) Act, 1984, and shall be read and construed as one with the Transfer of Immovables (Regulation) Act, 1982, hereinafter referred to as "the principal Act".

Amendment of section 2 of the principal Act.

2. For the definition of "Commissioner" in section 2 of the principal Act there shall be substituted the following new definition:

" "Commisioner" means the Commisioner of Land, and includes any public officer having an express authority from the Commissioner to act on his behalf in the carrying out of any provision of this Act;".

Addition of new section 7A to the principal Act.

3. Immediately after section 7 of the principal Act there shall be added the following new section:

"Transfers exempted from the provisions of this Act.

7A. The provisions of this Act shall not apply to:

Act XXXIII of 1976 Cap. 24

(a) any transfer of immovables made by the Housing Authority in terms of any direction given in terms of section 9 of the Housing Authority Act, 1976, any transfer by Government made in terms of the Disposal of Government Land Act, 1976, and any grant made by Government under the Burials Ordinance, and any other transfer made by Government or by any body corporate established by law where the price is fixed by or under any law or where such transfer is approved by or made under a policy approved by the House of Representatives in accordance with the provisions of any law;

(b) any sale ordered by any Court in Malta:

Provided that for the purposes of this paragraph a sale ordered by a Court shall not include any sale subsequent to a judgement or order of any court upon a demand in a writ of summons for the carrying out of a promise of sale;

(c) any partition of immovables;

(d) any assignment of immovables between spouses, whether such immovables form part of the community of acquests or not, and whether or not such assignment is consequent to the personal separation of the spouses, the declaration of nullity of the marriage, the dissolution of the community of acquests or to any other cause;

(e) any transfer in favour of Government or in favour of any body corporate established by law; and

(f) any redemption of groundrent made in terms of section 1582A of the Civil Code.".

4. The amendments made by section 3 of this Act shall be deemed to have been in effect on the coming into force of the principal Act. Effects of amendments.

Passed by the House of Representatives at Sitting No. 157 of the 22nd February, 1984.

DANIEL MICALLEF
Speaker

C. MIFSUD
Clerk to the House of Representatives

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