

VERŻJONI ELETTRONIKA

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 21,290, 26 ta' Lulju, 2024

Taqsim A

MALTA

ATT Nru XXVII tal-2024

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

ATT sabiex iwaqqaf l-Aġenzija dwar is-Suq tal-Proprjetà u biex jipprovdi għar-regolamentazzjoni tas-suq tal-proprjetà.

ACT No. XXVII of 2024

AN ACT enacted by the Parliament of Malta.

AN ACT to establish the Property Market Agency and to make provision for the regulation of the property market.

Nagħti l-kunsens tiegħi.

(L.S.)

MYRIAM SPITERI DEBONO
President

26 ta' Lulju, 2024

ATT Nru XXVII tal-2024

ATT sabiex iwaqqaf l-Aġenzija dwar is-Suq tal-Proprietà u biex jipprovdi għar-regolamentazzjoni tas-suq tal-proprietà.

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

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TAQSIMA I
Preliminari

Titolu fil-qosor
u bidu fis-sehh.

1. (1) It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2024 dwar l-Aġenzija dwar is-Suq tal-Proprietà.

(2) Id-dispożizzjonijiet kollha ta' dan l-Att għandhom jidhlu fis-sehh fi żmien xahrejn (2) mid-data tal-pubblikazzjoni tagħhom fil-Gazzetta.

Tifsir.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtieġx xort'oħra:

"aġent tal-proprietà immobbli" tfisser kwalunkwe persuna fiżika li għandha liċenzja sabiex taġixxi bħala intermedjarju fil-proċess li jiġu nnegożjati u mwettqa transazzjonijiet li jinvolvu l-akkwist, it-trasferiment jew il-kiri ta' art u li timpjega u, jew tqabbad, sew jekk taħt kuntratt ta' servizz sew taħt kuntratt għal servizzi, maniġer ta' fergħa wieħed (1) jew aktar u, jew konsulent tal-proprietà wieħed (1) jew aktar;

"Aġenzija" tfisser l-Aġenzija dwar is-Suq tal-Proprietà mwaqqfa bl-artikolu 3;

Kap. 16.

"art" tfisser kwalunkwe proprietà immobbli kif imfisser fil-Kodiċi Ċivili u li ma tkunx *extra commercium*;

"awtorizzazzjoni" tfisser awtorizzazzjoni mogħtija mill-Aġenzija skont l-artikolu 20(5);

"Bord" tfisser il-Bord tal-Aġenzija;

"detentur ta' liċenzja" tfisser kwalunkwe detentur ta' liċenzja mahruġa mill-Aġenzija sabiex jeżerċita l-attività ta' aġent tal-proprietà immobbli jew sensar tal-proprietà jew sabiex jaġixxi bħala maniġer ta' fergħa jew konsulent tal-proprietà, jew konsulent ta' proprietà speċifika, jew intermedjarju ieħor tas-suq tal-proprietà, skont it-tip ta' liċenzja mahruġa mill-Aġenzija;

"intermedjarju tas-suq tal-proprietà" tinkludi maniġer ta' fergħa, sensar tal-proprietà, konsulent tal-proprietà, aġent tal-proprietà immobbli u kwalunkwe persuna oħra liċenzjata u "intermedjarju tas-suq tal-proprietà" għandha tinftiehem f'dan is-sens;

"Kap Eżekuttiv" tfisser il-Kap Eżekuttiv tal-Aġenzija;

"konsulent dwar proprietà speċifika" tfisser persuna

impjegata jew imqabbdha minn żviluppatur sabiex taġixxi bħala konsulent tal-proprjeta' speċifikament dwar proprjeta' żviluppata minn dak l-iżviluppatur;

"konsulent tal-proprjeta'" tfisser kwalunkwe persuna fiżika li għandha liċenzja sabiex taġixxi bħala intermedjarju fil-proċess li jiġu nnegożjati u mwettqa transazzjonijiet li jinvolve l-akkwist, it-trasferiment jew il-kiri ta' art skont dan l-Att u li hija impjegata jew imqabbdha, sew jekk taht kuntratt ta' servizz sew taht kuntratt għal servizzi, minn aġent tal-proprjeta' immobbli u li jaġixxi skont l-istruzzjonijiet tiegħu jew dawk ta' maniger ta' fergħa;

"liċenzja" tfisser liċenzja maħruġa mill-Aġenzija sabiex tiġi eżerċitata l-attività ta' sensar tal-proprjeta', aġent tal-proprjeta' immobbli, jew sabiex wieħed jaġixxi bħala maniger ta' fergħa jew konsulent tal-proprjeta' jew ta' konsulent dwar proprjeta' speċifika jew ta' intermedjarju ieħor fis-suq tal-proprjeta';

"maniger ta' fergħa" tfisser kwalunkwe persuna fiżika li hija detentur ta' liċenzja li taġixxi bħala intermedjarju fil-proċess ta' negożjar u twettiq ta' transazzjonijiet, li jinvolve l-akkwist jew it-trasferiment jew il-kiri ta' art skont dan l-Att u li jkun ukoll liċenzjat u impjegat jew imqabbdha sabiex jissorvelja kwalunkwe konsulent tal-proprjeta';

"Ministru" tfisser il-Ministru responsabbli mis-suq tal-proprjeta';

"Reġistru" tfisser ir-Reġistru ta' Detenturi ta' Liċenzja maħruġa sabiex tiġi eżerċitata l-attività ta' sensara tal-proprjeta', aġenti tal-proprjeta' immobbli, manigers ta' fergħa, konsulenti tal-proprjeta', konsulenti ta' proprjeta' speċifika u sensara okkażjonali, attivi fid-data tal-pubblikazzjoni, miżmum mill-Aġenzija;

"sensar okkażjonali" tfisser individwu li jaġixxi bħala sensar fi transazzjonijiet ta' proprjeta' illi:

(a) ma jirreklamax is-servizzi tiegħu fil-midja stampata, fil-midja tax-xandir jew f'networks elettronici tal-midja; u

(b) jillimita s-servizzi tiegħu għal transazzjonijiet okkażjonali li ma jkunux ta' iżjed minn żewġ (2) transazzjonijiet li jkunu jinvolve l-akkwist, it-trasferiment jew il-kiri ta' art matul kull sena kalendarja; u fejn il-valur

totali tal-art hekk akkwistata, trasferita jew mikrija f'tali transazzjonijiet ma jkunx jeċċedi miljun euro (€1,000,000), jew xi ammont ieħor sew jekk inqas sew jekk iktar minn miljun euro (€1,000,000), kif jista' jiġi stabbilit mill-Ministru b'regolamenti maħruġa taħt dan l-Att ; u

(ċ) ma jimpjegax jew ma jqabbadx persuni oħra fit-twettiq tan-negozju tiegħu;

"sensar tal-proprjeta" jew "sensar ta' proprjeta immobbli" tfisser kwalunkwe persuna fiżika li għandha liċenzja sabiex taġixxi bħala intermedjarju fil-proċess li jiġu nneozjati u mwettqa tranżazzjonijiet li jinvolvu l-akkwist, it-trasferiment jew il-kiri ta' art skont dan l-Att u li la timpjega u lanqas tqabbad, sew jekk taħt kuntratt ta' servizz sew taħt kuntratt għal servizzi, kwalunkwe maniger ta' fergħa u, jew konsulent tal-proprjeta u tinkludi sensar okkażjonali u konsulent dwar proprjeta speċifika;

Kap. 386.

Kap. 16.

"shubija" tinkludi soċjeta kummerċjali ffurmata u reġistrata taħt l-Att dwar il-Kumpaniji jew soċjeta ċivili kif previst fit-Titolu X tat-Taqsima II tat-Tieni Ktieb tal-Kodiċi Ċivili;

L.S. 373.01.

"sid benefiċjarju" għandu jkollha l-istess tifsira kif mogħti lilha fir-Regolamenti kontra *Money Laundering* u Finanzjar ta' Terroriżmu;

Kap. 490.

"Tribunal ta' Revizjoni Amministrattiva" tfisser it-Tribunal ta' Revizjoni Amministrattiva mwaqqaf bl-artikolu 5(1) tal-Att dwar il-Ġustizzja Amministrattiva;

Kap. 356.

"żviluppatur" tfisser is-sid tal-art li fuqha jiġi esegwit żvilupp skont l-Att dwar l-Ippjanar tal-Iżvilupp.

TAQSIMA II

L-Aġenzija dwar is-Suq tal-Proprjeta

Twaqqif tal-Aġenzija dwar is-Suq tal-Proprjeta.

3. (1) Għandu jiġi mwaqqaf korp li jkun magħruf bħala l-Aġenzija dwar is-Suq tal-Proprjeta.

(2) Bla ħsara għad-dispożizzjonijiet ta' dan l-Att u ta' kwalunkwe liġi oħra, għandha tkun il-funzjoni tal-Aġenzija li tirregola l-attivitajiet tal-intermedjarji fis-suq tal-proprjeta.

(3) Bla ħsara għall-ġeneralità tal-funzjonijiet tagħha kif previst fis-subartikolu (2), l-Aġenzija għandu jkollha d-dmirijiet u l-funzjonijiet li ġejjin:

(a) li tissottometti proposti u rakkomandazzjonijiet lill-

Gvern dwar politika nazzjonali fir-rigward tal-intermedjarji fis-suq tal-proprjeta' b'konsiderazzjoni xierqa għas-sitwazzjoni speċifika u r-rekwiżiti ta' Malta minn żmien għal żmien, iżda fi kwalunkwe każ mhux aktar tard minn ħames (5) snin mill-aħħar proposti u, jew rakkomandazzjonijiet;

(b) li toħroġ standards dwar is-senserija u servizzi relatati, fis-suq tal-proprjeta';

(c) li tipparteċipa fi kwalunkwe diskussjonijiet li jwasslu għall-ippjanar tal-iżvilupp u, jew il-politiki ekonomiċi;

(d) li tissorvelja s-suq tal-proprjeta', direttament billi tinkoraġġixxi u tikkoordina riċerka u billi tikkummissjona, u fejn l-Aġenzija tqis li hu meħtieġ, tippubblika tali riċerka, sħarriġ jew studji professjonali oħra;

(e) li taġixxi bħala regolatur u sabiex timplimenta kwalunkwe funzjoni relatata mas-suq tal-proprjeta' li tista' tiġi assenjata lilha skont xi liġi;

(f) li torganizza u tippromwovi kampanji edukattivi relatati mas-suq tal-proprjeta' u b'mod partikolari mal-protezzjoni tal-konsumatur fir-rigward tas-suq tal-proprjeta';

(g) li tippromwovi u tikkoordina t-taħriġ ta' persuni li jaħdmu bħala intermedjarji fis-suq tal-proprjeta';

(h) li tagħti parir dwar is-suq tal-proprjeta' kif il-Ministru jista' minn żmien għal żmien jirrikjedi;

(i) li perjodikament twettaq analisi tal-programmi u strutturi edukattivi relatati mal-attivitajiet tal-intermedjarji fis-suq tal-proprjeta', u fejn l-Aġenzija tqis li hu meħtieġ tippubblika tali analisi, sabiex tirrakkomanda titjib f'dawk il-programmi u fil-politiki u tidentifika s-sorsi għat-taħriġ tal-persuni fl-oqsma rilevanti ta' attività sabiex tiżgura d-disponibbiltà kontinwa ta' persunal adegwatament kwalifikat;

(j) li tamministra kwalunkwe allokazzjoni mill-estimi li jistgħu jiġu assenjati lilha għal għanijiet li jkollhom x'jaqsmu mas-suq tal-proprjeta' jew ma' daww l-għanijiet l-oħra li jistgħu jkunu marbuta ma' dik l-alkokazzjoni tal-estimi;

(k) li tippromwovi komunikazzjoni u koordinazzjoni effettivi ma' entitajiet tal-gvern u ma' organizzazzjonijiet privati involuti fil-formulazzjoni tal-politiki relatati mal-attivitajiet tas-suq tal-proprjeta';

(l) li tidentifika żviluppi barra minn Malta li jkollhom x'jaqsmu mas-suq tal-proprjetà u li jkunu ta' interess dirett u ta' relevanza għal Malta;

(m) li twaqqaf bażijiet tad-data u tikseb aċċess għal bażijiet tad-data internazzjonali fil-qasam tas-suq tal-proprjetà sa mhux aktar tard minn tliet (3) snin mid-dhul fis-seħħ ta' dan l-Att, u tiżgura illi tali bażijiet ta' data jkunu kontinwament aġġornati;

(n) li tagixxi bhala punt ta' kuntatt għal diversi organizzazzjonijiet reġjonali, interreġjonali u internazzjonali u sabiex torganizza l-parteci-pazzjoni f'seminars, konferenzi u fi gruppi ta' azzjoni u gruppi ta' hidma li jkunu ta' relevanza għall-interessi ta' Malta fil-qasam tal-attività tal-Aġenzija;

(o) li twaqqaf netwerks ta' persuni professjonali u ta' organizzazzjonijiet sabiex jassistu fil-formulazzjoni ta' politiki u fl-implimentazzjoni ta' programmi, u sabiex jissorveljaw oqsma ta' importanza relatati mas-suq tal-proprjetà li jkunu ta' interess għal Malta;

(p) li twettaq kwalunkwe funzjoni oħra mhux koperta minn dan is-subartikolu, relatata mal-attivitajiet tas-suq tal-proprjetà kif il-Ministru jista' jiddelegalha;

(q) li twettaq kwalunkwe funzjoni oħra li tkun anċillari jew li twassal għall-funzjonijiet, dmirijiet u għanijiet tal-Aġenzija.

(4) L-Aġenzija għandha tkun korp li jkollha personalità ġuridika distinta u għandha tkun kapaċi, bla ħsara għad-dispożizzjonijiet ta' dan l-Att, li tidhol f'kuntratti, li jkollha u li tkun tista' tiddisponi minn proprjetà ta' kwalunkwe tip għall-iskop tal-funzjonijiet tagħha, li tħarrek u tiġi mħarrka u li tidhol fit-tranzazzjonijiet l-oħra kollha li huma incidentali jew li jwasslu għat-twettiq xieraq tal-funzjonijiet tagħha.

(5) L-Aġenzija għandha tkun magħmula minn Bord u minn Direttorat.

(6) Ir-rappreżentazzjoni legali u ġuridika tal-Aġenzija għandha tkun vestita fiċ-Chairperson:

Iżda l-Bord jista' jahtar lill-Kap Eżekuttiv jew lil xi wieħed (1) jew iktar mill-membri tal-persunal tad-Direttorat sabiex jidhru f'isem u għan-nom tal-Aġenzija fi kwalunkwe proċedura ġudizzjarja u fuq kwalunkwe att, kuntratt, att pubbliku, strument jew kwalunkwe

dokument ieħor.

(7) Kwalunkwe dokument li jkun jidher li jkun strument magħmul jew maħruġ mill-Aġenzija u ffirmit miċ-Chairperson f'isem l-Aġenzija għandu jintlaqa' bħala prova, u sakemm ma jiġix ippruvat xort'oħra, għandu jitqies li huwa strument magħmul jew maħruġ mill-Aġenzija.

4. (1) Il-Bord tal-Aġenzija għandu jkun kompost minn Chairperson u minn erbgħa (4) sa tmien (8) membri oħra maħtura mill-Ministru minn fost persuni li fil-fehma tal-Ministru jkollhom esperjenza u għarfien tal-qasam ta' ħidma tal-Aġenzija, jew esperjenza oħra regolatorja f'għaqdiet mhux governattivi, jew esperjenza regolatorja oħra jew fl-eżerċizzju tal-professjoni ta' avukat, jew persuni li fil-fehma tal-Ministru jirrapprezentaw il-perspettiva wiesgħa tad-diversi opinjonijiet tal-partijiet interessati fis-settur.

Bord tal-Aġenzija.

(2) Wieħed (1) mill-membri tal-Bord tal-Aġenzija għandu jinħatar mill-Ministru bħala Viċi Chairperson. Il-Viċi Chairperson għandu jkollu s-setgħat kollha u jaqdi d-dmirijiet kollha taċ-Chairperson fl-assenza taċ-Chairperson jew matul kwalunkwe perjodu meta ċ-Chairperson ma jistax jaqdi l-funzjonijiet tiegħu għal kwalunkwe raġuni oħra, jew waqt li l-kariga ta' Chairperson tkun battala.

(3) Il-Bord jista' jaġixxi minkejja kwalunkwe vaganza fil-kompożizzjoni tiegħu jew fl-assenza ta' xi membru tiegħu sakemm iċ-Chairperson jew il-Viċi Chairperson u kwalunkwe żewġ (2) membri oħra jkunu preżenti.

(4) Persuna ma għandhiex tkun eligibbli sabiex tkun maħtura, jew sabiex tkompli tokkupa l-kariga, bħala membru tal-Bord jekk hija:

- (a) interdetta jew inabilitata;
- (b) tkun iddikjarata falluta; jew
- (ċ) tkun instabet hatja f'Malta jew barra minn Malta ta' reat li jkun iġorr il-piena ta' priġunerija ta' iżjed minn sena (1) ħlief għal reat ta' natura involontarja.

(5) Għall-fini tas-subartikolu (4)(ċ), persuna li tkun instabet hatja ta' reat kif speċifikat fis-subartikolu (4)(ċ) għandha xorta tkun skwalifikata milli tokkupa l-kariga minkejja s-sospensjoni ta' kwalunkwe piena mogħtija jew li tali persuna tkun ġiet meħlusa taħt kondizzjoni, jew imqieghda taħt probation mingħajr l-ebda impożizzjoni ta' xi piena, jew tali persuna tkun ingħatat sentenza skont l-Att dwar il-Probation mingħajr l-ebda impożizzjoni ta' xi piena.

Kap. 446.

(6) Il-membri tal-Bord, inklużi ç-Chairperson u l-Viċi Chairperson għandhom jinhatru għal terminu ta' tliet (3) snin u jistgħu jinhatru mill-ġdid.

(7) Il-membri tal-Bord għandhom jirċievu dik ir-remunerazzjoni kif il-Ministru jista' jiddetermina mal-ħatra tagħhom.

(8) Il-Ministru għandu jahtar persuna sabiex taġixxi bħala Segretarju tal-Bord.

Funzjonijiet tal-Bord.

5. (1) Il-Bord għandu jkun responsabbli sabiex jistabbilixxi l-politika li għandha tiġi adottata mill-Aġenzija fl-eżerċizzju tal-funzjonijiet tagħha taħt dan l-Att b'konsultazzjoni mal-Ministru u għandu jkollu wkoll il-funzjonijiet stabbiliti f'dan l-artikolu.

(2) Il-Bord għandu jkun responsabbli li jiżgura li l-Aġenzija twettaq il-funzjonijiet tagħha skont dan l-Att u skont kull politika stabbilita minnu.

(3) Il-Bord jista' minn żmien għal żmien, fejn jidhirlu xieraq, jagħmel regoli ġenerali għall-gwida tal-Aġenzija fl-eżerċizzju tal-funzjonijiet tagħha taħt dan l-Att, u jista' fi kwalunkwe hin jirrevoka jew ivarja dawk ir-regoli.

(4) Il-Bord għandu wkoll jivverifika u japprova l-kontijiet tal-Aġenzija u l-abbozzi tal-estimi u l-pjanijiet finanzjarji tal-Aġenzija, imħejjija mill-Kap Eżekuttiv qabel is-sottomissjoni finali tagħhom lill-Ministru skont dan l-Att.

(5) Il-Bord għandu jinżamm infurmat mill-Kap Eżekuttiv dwar it-tmexxija ġenerali tal-Aġenzija.

Id-Direttorat.

6. (1) Id-Direttorat tal-Aġenzija għandu jkun magħmul mill-Kap Eżekuttiv, Maniġers Anzjani u minn dawk l-uffiċjali l-oħra u l-impjegati tal-Aġenzija li jistgħu jiġu ingaġġati mill-Awtorità minn żmien għal żmien.

(2) Il-Kap Eżekuttiv għandu jkun inkarigat mit-tmexxija ġenerali u l-azzjoni eżekuttiva tal-Aġenzija u għandu jzomm lill-Bord infurmat dwar it-tmexxija ġenerali tal-Aġenzija u dwar ir-riżultat tal-operat tal-Aġenzija. Il-Kap Eżekuttiv għandu jkun, b'mod partikolari iżda mingħajr preġudizzju għall-ġeneralità ta' dak stipulat hawn qabel, responsabbli għat-twettiq mill-Aġenzija tal-funzjonijiet assenjati lilha taħt it-Taqsima III sat-Taqsima X ta' dan l-Att.

(3) Il-Kap Eżekuttiv għandu jiġi mahtur mill-Ministru, wara konsultazzjoni mal-Bord, għal dak il-perjodu u skont dawk it-termini li l-Ministru jista' jiddetermina, b'konsultazzjoni mal-Bord.

(4) Il-Maniġers Anzjani u l-uffiċjali u l-impjegati l-oħra tad-Direttorat għandhom ikunu magħżula mill-Kap Eżekuttiv u ingaġġati mill-Aġenzija skont it-termini u l-proċeduri li jkunu applikabbli.

(5) L-Aġenzija tista' taġixxi wkoll permezz ta' dawk il-kuntratturi li tista' tingaġġa minn żmien għal żmien:

Iżda dawn il-kuntratturi għandhom f'kull hin jaġixxu skont dawk l-istruzzjonijiet li jistgħu jiġu mogħtija lilhom mill-Kap Eżekuttiv.

(6) Il-Kap Eżekuttiv u l-persunal tad-Direttorat għandhom għall-finijiet kollha tal-Kodiċi Kriminali jitqiesu bħala uffiċjali pubbliċi, u għandhom jingħataw il-protezzjoni kollha u jistgħu jgarrbu r-responsabbiltà kollha bħala tali. Kap. 9.

(7) Il-Kap Eżekuttiv u l-persunal tad-Direttorat għandhom, bla ħsara għal kwalunkwe dispożizzjoni kuntrarja f'dan l-Att jew f'xi liġi oħra, josservaw kwalunkwe kodiċi ta' etika applikabbli għal uffiċjali pubbliċi:

Iżda dan ma għandu bl-ebda mod jitqies li jipprekludi lill-Bord milli jaġmel aktar regoli li jirregolaw l-aġir tal-Kap Eżekuttiv u tal-persunal tad-Direttorat sabiex jissupplimentaw kwalunkwe tali Kodiċi ta' Etika.

7. (1) Il-Bord għandu jiltaqa' mill-inqas għaxar (10) darbiet fis-sena, b'dana illi l-Bord għandu jiżgura li l-perjodu ta' żmien bejn laqgħa u oħra ma għandux jeċċedi tmien (8) ġimgħat. Laqgħat oħra tal-Bord għandhom jissejhu skont il-ħtieġa. Laqgħat tal-Bord.

(2) Is-Segretarju tal-Bord għandu jieħu l-minuti tad-deċiżjonijiet fil-laqgħat tiegħu. Il-minuti għandhom jiġu ffirmati mis-Segretarju u miċ-Chairperson.

(3) Il-laqgħa tal-Bord għandha tkun ippreseduta miċ-Chairperson jew fl-assenza tiegħu mill-Viċi Chairperson.

(4) Id-deċiżjonijiet tal-Bord għandhom jiġu adottati b'maġġoranza sempliċi tal-voti tal-membri preżenti u li jivvutaw, u f'każ ta' voti ndaq iċ-Chairperson, jew fejn il-laqgħa tkun preseduta mill-Viċi Chairperson, il-Viċi Chairperson għandu jkollu u jeżerċita t-tieni vot jew vot deċiżiv. Il-kworum fil-laqgħat tal-Bord għandu jkun magħmul minn tliet (3) membri.

(5) Il-Kap Eżekuttiv għandu jkun intitolat li jattendi l-laqgħat tal-Bord u li jieħu sehem fid-diskussjonijiet. Il-Bord jista' jistieden kwalunkwe membru ieħor tal-persunal tad-Direttorat sabiex jattendi

laqgħat tal-Bord u jieħu sehem fid-diskussjonijiet. Il-Kap Eżekuttiv u kwalunkwe membru tal-persunal tad-Direttorat li jieħu sehem fi kwalunkwe diskussjoni tal-Bord ma għandhomx ikollhom vot fil-laqgħat li jippartecipaw fihom:

Iżda ÷-Chairperson jista', jekk jidhirlu li huwa xieraq li jagħmel dan, fi kwalunkwe hin jeskludi lill-Kap Eżekuttiv jew kwalunkwe membru tal-persunal tad-Direttorat mistieden sabiex jattendi għal laqgħa tal-Bord minn kwalunkwe laqgħa jew parti minnha.

(6) Kwalunkwe parteċipazzjoni f'laqgħa tal-Bord ta' persuna li mhijiex intitolata li tkun prezenti ma għandhiex tinvalida l-proċedimenti tal-laqgħa u lanqas ma għandhom tali proċedimenti jkunu invalidati jekk sussegwentement jiġi skopert li persuna aġixxiet *in bona fede* bħala membru u sussegwentement jiġi skopert difett fil-ħatra jew fil-kwalifika tagħha.

(7) Għandu jingħata avviz ta' ġimgħa lill-membri tal-Bord għal kwalunkwe laqgħa tiegħu:

Iżda f'każ fejn tinqala' sitwazzjoni urġenti u d-deċiżjonijiet ikollhom jittieħdu minnufih, id-deċiżjonijiet meħuda minn tal-inqas minn żewġ (2) membri tal-Bord li wieħed (1) minnhom ikun iċ-Chairperson jew il-Viċi Chairperson għandhom ikunu validi daqslikieku ttieħdu f'laqgħa tal-Bord imlaqqa' regolament b'avviz xieraq.

(8) Bla ħsara għad-dispożizzjonijiet l-oħra ta' dan l-Att, il-Bord għandu jirregola l-proċeduri tiegħu stess.

Ħatriet tal-persunal.

8. Mingħajr preġudizzju għad-dispożizzjonijiet l-oħra ta' dan l-Att, il-ħatra ta' uffiċjali u impjegati oħra tal-Aġenzija għandha ssir mill-Aġenzija. It-termini u l-kondizzjonijiet tal-impjeg għandhom ikunu stabbiliti mill-Aġenzija bi qbil mal-Ministru.

Ħatra u funzjonijiet ta' uffiċjali u impjegati tal-Aġenzija.

9. L-Aġenzija għandha taħtar u timpjega, b'dik ir-remunerazzjoni u skont it-termini ta' żmien u l-kondizzjonijiet li tista' tiddetermina, dawk l-uffiċjali u l-impjegati tal-Aġenzija li, minn żmien għal żmien, jistgħu jkunu meħtieġa għall-eżekuzzjoni dovuta u effiċjenti tal-funzjonijiet tal-Aġenzija.

Assenjazzjoni ta' uffiċjali pubbliċi sabiex jaqdu dmirijietom mal-Aġenzija.

10. (1) Il-Prim Ministru jista', fuq talba tal-Aġenzija, minn żmien għal żmien jordna li kwalunkwe uffiċjal pubbliku għandu jiġi assenjat sabiex jaqdi dmirijietu mal-Aġenzija f'dik il-kapaċità u b'effett minn dik id-data kif jista' jkun speċifikat fl-ordni tal-Prim Ministru.

(2) Il-perjodu li matulu ordni għandha tapplika għal xi uffiċjal speċifikat fiha għandu, diment li l-uffiċjal ma jkunx irtira mis-servizz pubbliku, jew jekk jieqaf milli jibqa' jokkupa l-kariga f'data preċedenti, jew diment li ma tiġix speċifikata data differenti f'dik l-ordni, ma jibqax fis-sehħ wara sena (1) mid-data effettiva ta' dik l-ordni kemm-il darba l-ordni ma tiġix revokata qabel mill-Prim Ministru.

11. (1) Fejn uffiċjal jiġi assenjat għal dmirijiet mal-Aġenzija skont id-dispożizzjonijiet tal-artikolu 10, dak l-uffiċjal għandu, matul iż-żmien li fih dik l-ordni jkollha effett fir-rigward tiegħu, ikun taħt l-awtorità u l-kontroll amministrattiv tal-Aġenzija iżda hu għandu għall-finijiet u l-effetti l-oħra kollha jibqa' u jitqies u jiġi kkunsidrat u trattat bħala uffiċjal pubbliku.

Status tal-uffiċjali pubbliċi assenjati sabiex jaqdu dmirijietom mal-Aġenzija.

(2) Bla ħsara għall-generalità tas-subartikolu (1), uffiċjal li jkun assenjat għal dmirijiet:

(a) ma għandux waqt iż-żmien li matulu jkun hekk assenjat:

(i) jiġi prekluz milli japplika għal trasferiment f'xi Aġenzija tal-Gvern skont it-termini u l-kondizzjonijiet ta' servizz konnessi mal-ħatra tiegħu mal-Gvern li jkollu fid-data meta huwa jiġi hekk assenjat għal dmirijietu; jew

(ii) ikun hekk impjegat li r-remunerazzjoni u l-kondizzjonijiet tas-servizz tiegħu jkunu inqas favorevoli minn dawk li jkunu konnessi mal-ħatra tiegħu mal-Gvern li jkollu fid-data hawn aktar qabel imsemmija jew li kienu jkunu konnessi ma' dik il-ħatra, matul l-imsemmi perjodu, li kieku dak l-uffiċjal ma jkunx ġie assenjat sabiex jaqdi dmirijietu mal-Aġenzija; u

(b) ikun intitolat sabiex is-servizz tiegħu mal-Aġenzija jiġi meqjus bħala servizz mal-Gvern għall-finijiet ta' kwalunkwe pensjoni, gratwità jew benefiċċju taħt l-Ordinanza dwar il-Pensjonijiet u, jew l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema u ta' kwalunkwe dritt jew privileġġ ieħor li kieku jkun intitolat għalih, u responsabbli għal kwalunkwe responsabbiltà li għaliha hu kien ikun responsabbli, hlief għall-fatt li huwa jkun ġie assenjat sabiex iwettaq dmiru mal-Aġenzija.

Kap. 93.
Kap. 58.

(3) Fejn issir applikazzjoni kif provdut fis-subartikolu (2)(a)(i) għandha tingħatalha l-istess konsiderazzjoni daqslikieku l-applikant ma jkunx ġie assenjat għal servizz mal-Aġenzija.

(4) L-Aġenzija għandha tħallas lill-Gvern dawk il-

kontribuzzjonijiet li jistgħu minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi fir-rigward tal-ispiza tal-pensjonijiet u l-gratwitajiet li jinkisbu minn uffiċjal li jkun assenjat għal dmirijiet mal-Aġenzija kif hawn aktar qabel imsemmi matul il-perjodu li fih huwa hekk assenjat.

Offerta ta' impjeg permanenti mal-Aġenzija għal uffiċjali pubbliċi assenjati sabiex jaqdu dmirijiet mal-Aġenzija.

12. (1) L-Aġenzija tista', bl-approvazzjoni tal-Prim Ministru, toffri lil kwalunkwe uffiċjal assenjat għal qadi ta' dmirijiet mal-Aġenzija skont id-dispożizzjonijiet tal-artikolu 10, impjeg permanenti mal-Aġenzija bir-remunerazzjoni u t-termini u l-kondizzjonijiet li ma jkunux inqas favorevoli minn dawk li jgawdi dak l-uffiċjal fid-data ta' dik l-offerta.

(2) It-termini u l-kondizzjonijiet inklużi f'offerta magħmula ma għandhomx jitqiesu bħala inqas favorevoli sempliċiment għax ma jkunux għalkollox identiċi magħhom jew superjuri għal dawk li l-uffiċjal involut ikun qiegħed igawdi fid-data ta' dik l-offerta, jekk dawk it-termini u kondizzjonijiet meħuda flimkien, fil-fehma tal-Prim Ministru ikunu joffru benefiċċji sostanzjalment ekwivalenti jew akbar.

Kap. 93.
Kap. 58.

(3) Kull uffiċjal li jaċċetta impjeg permanenti mal-Aġenzija li jiġi offrut lilu skont id-dispożizzjonijiet tas-subartikolu (1) għandu, għall-finijiet kollha għajr dawk tal-Ordinanza dwar il-Pensjonijiet u, jew l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, u b'riżerva għad-dispożizzjonijiet tas-subartikolu (6), jitqies bħala li jkun temm is-servizz mal-Gvern u li jkun daħal fis-servizz mal-Aġenzija fid-data li jkun aċċetta, u għall-finijiet tal-imsemmija Ordinanza u tal-imsemmi Att, diment li japplika għalih, servizz mal-Aġenzija għandu jitqies li hu servizz mal-Gvern fi hdan it-tifsiriet tagħhom rispettivament.

Kap. 58.

(4) Kull tali uffiċjal li, minnufih qabel ma aċċetta impjeg permanenti mal-Aġenzija, kien intitolat għal benefiċċju taht l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, għandu jibqa' intitolat li jibbenefika tahtu għall-intenzjonijiet kollha bħallikieku s-servizz tiegħu mal-Aġenzija kien servizz mal-Gvern.

(5) L-Aġenzija għandha tħallas lill-Gvern dawk il-kontribuzzjonijiet, li jistgħu minn żmien għal żmien jiġu ddeterminati mill-Ministru responsabbli għall-finanzi, fir-rigward tal-ispiza tal-pensjonijiet u l-gratwitajiet miksuba minn uffiċjal li jaċċetta li jwettaq impjeg mal-Aġenzija skont dan l-artikolu matul il-perjodu li jibda mid-data tal-aċċettazzjoni ta' dak l-uffiċjal.

(6) (a) Għall-finijiet ta' dan l-artikolu, il-karigi u l-gradji tas-salarji mal-Aġenzija għandhom jiġu kklassifikati fi gradi kemm jista' jkun korrispondenti u livelli inkrementali fis-servizz mal-Gvern ta' Malta, b'referenza għad-deskrizzjoni tax-xogħol, il-ħiliet, ir-responsabbiltajiet u fatturi analogi oħra.

(b) Il-klassifikazzjoni msemmija fil-paragrafu (a) għandha titwettaq minn bord magħmul minn Chairperson mahtur mill-Ministeru responsabbli għall-finanzi u żewġ (2) membri oħra, wiehed (1) mahtur mill-Ministeru ċentralment responsabbli għall-politiki dwar persunal fis-servizz pubbliku u wiehed (1) mahtur mill-Aġenzija. Il-klassifikazzjoni għandha tkun soġġetta għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(ċ) Tali klassifikazzjoni għandha sseħħ fi żmien tliet (3) xhur minn kwalunkwe aġġustament tas-salarji tal-impjegati fis-servizz mal-Gvern u, jew tal-impjegati tal-Aġenzija.

(d) L-ebda kariga ma għandha tiġi klassifikata fi grad oġhla minn dak ta' Grad 3 fis-servizz mal-Gvern jew fi grad ieħor li l-Ministru responsabbli għall-finanzi jista' minn żmien għal żmien permezz ta' avviż fil-Gazzetta jiddetermina.

(e) Bla ħsara għall-artikolu 113 tal-Kostituzzjoni, l-ebda persuna ma tista', wara klassifikazzjoni, tkun intitolata għal drittijiet skont l-Ordinanza dwar il-Pensjonijiet inqas favorevoli minn dawk li hi kienet tkun intitolata għalihom qabel dik il-klassifikazzjoni. Kap. 93.

13. Is-sena finanzjarja tal-Aġenzija għandha tibda fl-1 ta' Jannar u tintemm fil-31 ta' Dicembru: Sena finanzjarja.

Iżda l-ewwel sena finanzjarja tal-Aġenzija għandha tibda mid-data tad-dhul fis-seħħ ta' dan l-Att u għandha tintemm fil-31 ta' Dicembru tas-sena ta' wara.

14. (1) Il-Kap Eżekuttiv għandu, mhux aktar tard minn sittax (16)-il ġimgħa qabel it-tmiem ta' kull sena finanzjarja, jissottometti lill-Bord estimi tad-dhul u nfiq tal-Aġenzija għas-sena finanzjarja sussegwenti. Estimi u nfiq.

(2) Fil-preparazzjoni ta' dawk l-estimi l-Aġenzija għandha tagħmel hilitha sabiex tiżgura li s-somom li għandhom jiġu allokat lill-Aġenzija jkunu mill-inqas biżżejjed sabiex ikopru s-somom kollha li għandhom jithallsu korrettament mill-kontijiet tad-dhul u nfiq tagħha inkluż, iżda bla ħsara għall-generalità ta' dik l-espressjoni, id-deprezzament.

(3) L-estimi għandhom isiru f'dik il-forma, u għandom jinkludu dik l-informazzjoni u tali paraguni ma' snin preċedenti, kif il-Bord jista' jordna.

(4) Mhux aktar tard minn tliet (3) ġimgħat minn meta jirċievi

dawk l-estimi mill-Kap Eżekuttiv, il-Bord għandu jikkonsidra dawk l-estimi u għandu jibgħat l-istess bi, jew mingħajr emendi lill-Ministru għall-approvazzjoni tiegħu.

(5) Qabel tmiem is-sena finanzjarja, il-Ministru għandu japprova u jadotta dawk l-estimi bl-emendi jew mingħajrhom.

(6) Jekk fir-rigward ta' xi sena finanzjarja jinstab li l-ammont hekk approvat ma jkunx biżżejjed jew tkun inqalghet hteġa għal nefqa għal għan mhux previst fl-estimi, il-Kap Eżekuttiv għandu jiżgura li jiġu ppreparati estimi supplimentari u jintbagħtu minnufih lill-Bord għat-trażmissjoni lill-Ministru għall-approvazzjoni tiegħu, u f'kull tali każ, id-dispożizzjonijiet ta' dan l-artikolu għandhom, kemm jista' jkun prattikabbli, japplikaw għall-estimi supplimentari.

Avvanzi mill-Gvern.

15. Il-Ministru jista', fl-aġir tiegħu skont xi legiżlazzjoni dwar l-appropriazzjoni, jagħmel avvanzi u jipprovdi tali fondi lill-Aġenzija sabiex twettaq il-funzjonijiet tagħha taht dan l-Att, skont dawk l-estimi approvati skont l-artikolu 14.

Kontijiet u verifika.

16. L-Aġenzija għandha żżomm kotba ta' kontijiet kif jixraq. Tali kontijiet għandhom jiġu vverifikati minn awdituri mahtura mill-Bord tal-Aġenzija bi qbil tal-Ministru minn fost persuni kkwalifikati sabiex jiġu mahtura bħala awdituri skont l-Att dwar il-Professjoni tal-Accountancy. Barra minn hekk għandhom ikunu soġġetti għal verifika mill-Awditur Ġenerali.

Kap. 281.

Rapport annwali.

17. (1) Il-Bord għandu malajr kemm jista' jkun, iżda mhux aktar tard minn sitt (6) xhur wara l-għeluq ta' kull sena finanzjarja, jibgħat lill-Ministru rapport annwali li jikkonsisti minn:

(a) kopja tal-kontijiet annwali ċċertifikati mill-awdituri;

(b) rapport dwar l-operat tal-Aġenzija matul is-sena finanzjarja preċedenti; u

(ċ) kwalunkwe riċerka, stharrig jew studji professjonali oħra u analisi tal-programmi u strutturi edukattivi relatati mal-attivitajiet tal-intermedjarji fis-suq tal-proprjetà li l-Aġenzija tqis li jkunu meħtieġa.

(2) Il-Ministru għandu, u fi kwalunkwe każ mhux aktar tard minn sitt (6) ġimgħat minn mindu jirċievi r-rapport annwali tal-Aġenzija, jew fejn il-Kamra f'dak il-perjodu ma tkunx f'sessjoni, mhux aktar tard mit-tieni ġimgħa wara li l-Kamra terġa' tiltaqa', jaċċerta li r-rapport annwali jkun tqieghed quddiem il-Kamra u l-Kamra għandha, f'każ li jkun hemm talba minn tal-inqas membru wiehed tal-Kamra fi żmien tletin (30) jum wara li hekk jitqieghed, tiddiskuti r-rapport annwali waqt

seduta parlamentari dedikata u li għandha ssir fi żmien sittin (60) jum wara li jkun għe hekk imqiegħed.

TAQSIMA III

Liċenzjar ta' Aġenti tal-Proprietà Immobbli, Sensara tal-Proprietà, Maniġers ta' Fergħa u Konsulenti tal-Proprietà

18. (1) L-attività ta' sensar tal-proprietà jew ta' aġent tal-proprietà immobbli tikkonsisti fl-aġir ta' persuna bħala intermedjarju fil-proċess tan-negozjar u t-twettiq ta' tranżazzjonijiet li jinvolvu l-akkwist jew it-trasferiment jew il-kiri ta' art, inkluż meta l-attività msemmija titwettaq permezz tal-ingaġġ jew l-impjeg ta' maniġer ta' fergħa jew konsulent tal-proprietà jew ta' konsulent dwar proprietà speċifika.

Htieġa ta' liċenzja.

(2) L-ebda persuna ma għandha twettaq l-attività ta' sensar tal-proprietà jew aġent tal-proprietà immobbli jew tkun impjegata jew ingaġġata bħala maniġer ta' fergħa jew konsulent tal-proprietà jew konsulent dwar proprietà speċifika sakemm ma tkunx id-detentur ta' liċenzja valida maħruġa skont dan l-Att:

Iżda l-konsulenti speċifiċi tal-proprietà għandhom ikunu meħtieġa jiksbu liċenzja skont dan l-Att fil-każijiet fejn dan jista' jiġi stabbilit mill-Ministru b'regolamenti maħruġa taħt dan l-Att.

(3) Minkejja d-dispożizzjonijiet l-oħra ta' dan l-Att, persuna reġistrata mal-Aġenzija bħala sensar okkażjonali ma għandhiex teħtieġ liċenzja skont dan l-Att sabiex taġixxi ta' sensar okkażjonali:

Iżda dik il-persuna għandha, qabel kull involviment tagħha fi kwalunkwe tranżazzjoni, issir b'liema mod issir, tkun xorta meħtieġa li titlob l-approvazzjoni mill-Aġenzija qabel il-bidu ta' xi attività fuq il-formola preskritta mill-Aġenzija bil-għan li tinforma lill-Aġenzija bl-intenzjoni li twettaq tali attività okkażjonali u li tipprovdi kwalunkwe informazzjoni oħra li l-Aġenzija tista' teħtieġ:

Iżda wkoll l-Aġenzija għandha tiżgura illi sensar okkażjonali jipprovdi lill-Aġenzija informazzjoni dwar in-numru u l-valur ta' transazzjonijiet fuq bażi annwali u, jew fuq bażi *ad hoc* skont kif l-Aġenzija tista' tqis meħtieġ:

Iżda wkoll ir-reġistrazzjoni ta' dik il-persuna bħala sensar okkażjonali għandha tkun valida biss għal perjodu ta' sena (1) kalendarja u tista' tiġi mġedda mill-Aġenzija, sakemm ma jkunx hemm raġuni valida sabiex l-Aġenzija tiddetermina mod ieħor, u diment li jintwera għas-sodisfazzjoni tal-Aġenzija li tali persuna matul il-perjodu tar-reġistrazzjoni tagħha kienet konformi mar-rekwiżiti stabbiliti f'dan l-Att, fl-eżerċizzju tal-kummerċ tagħha bħala sensar

okkażjonali.

(4) Meta aġent tal-proprjeta immobbli jew sensar tal-proprjeta immobbli jkun bihsiebu jwettaq l-attivita tieghu ma' persuna oħra, huma għandhom jiffurmaw shubija, li jkollha bhala l-għan ewlieni tagħha l-attivita provduta skont is-subartikolu (1), u huma għandhom ifittxu l-awtorizzazzjoni tal-Aġenzija qabel ma jibdew l-attivita.

(5) (a) Kwalunkwe persuna li tonqos milli tikkonforma mad-dispożizzjonijiet ta' dan l-artikolu għandha tkun soġġetta għal penali amministrattiva ta' mhux iżjed minn għoxrin elf euro (€20,000) li tiġi imposta mill-Aġenzija.

(b) Kwalunkwe aġent tal-proprjeta immobbli jew żviluppatur ta' proprjeta immobbli li jimpjega jew jingagga kwalunkwe konsulent tal-proprjeta, jew konsulent dwar proprjeta speċifika jew maniger ta' fergħa li jaġixxi bi ksur ta' dan l-artikolu għandu wkoll ikun personalment responsabbli għal dak il-ksur u għall-hlas tal-penali amministrattiva kif provdut fil-paragrafu (a).

Eligibilità għal-
liċenzji.

19. (1) Kwalunkwe persuna hija eligibbli sabiex tikseb liċenzja sabiex taġixxi ta' sensar tal-proprjeta jew aġent tal-proprjeta immobbli jew maniger ta' fergħa sakemm dik il-persuna:

Kap. 13.

(a) tkun għalqet it-tmintax (18)-il sena jew tkun giet emanċipata għall-kummerċ skont l-artikolu 9 tal-Kodiċi tal-Kummerċ; u

(b) ikollha ċertifikat fil-proprjeta immobbli li jkollu bhala sugġetti tieghu l-aspetti legali, finanzjarji, tekniċi u ta' komunikazzjoni relatati mal-proprjeta immobbli, mal-kummerċjalizzazzjoni u l-bejgħ tagħha, b'tal-inqas tnax (12)-il-ECTS fil-livell erbgħa (4) tal-Qafas Malti tal-Kwalifiki miksub minn istituzzjoni ta' taħriġ illicenzjata fl-intier tagħha mill-Kummissjoni Nazzjonali għal Edukazzjoni Avanzata u Ogħla; jew

(c) kwalunkwe kwalifiki oħra li ċ-Ċentru Malti għal Rikonoxximent ta' Kwalifiki u ta' Informazzjoni jirrikonoxxi bhala ekwivalenti:

Izda meta l-Aġenzija tqis li l-ekwivalenza tal-kwalifiki tkun biss parzjali, l-applikant ikun jista' jipprovdi evidenza alternattiva bhala prova tal-kompetenza tieghu li l-Aġenzija tista' tqis sodisfaċenti jew xort' oħra.

(2) Kwalunkwe persuna hija eligibbli sabiex taġixxi ta' konsulent tal-proprjeta jew ta' konsulent dwar proprjeta speċifika sakemm dik il-

persuna:

(a) tkun għalqet it-tmintax (18)-il sena jew tkun giet emancipata għall-kummerċ skont l-artikolu 9 tal-Kodiċi tal-Kummerċ; u Kap. 13.

(b) ikollha ċertifikat fil-proprjetà immobbli li jkollu bħala suġġetti tiegħu l-aspetti legali, finanzjarji, tekniċi u ta' komunikazzjoni relatati mal-proprjetà immobbli, u mal-kummerċjalizzazzjoni u l-bejgħ tagħha, b'tal-inqas tmien (8) ECTS fil-livell erbgħa (4) tal-Qafas Malti tal-Kwalifiki miksub minn istituzzjoni ta' taħriġ illiċenzjata bi sħiħ mill-Kummissjoni Nazzjonali għall-Edukazzjoni Ulterjuri u Ogħla; jew

(ċ) ikollha kwalunkwe kwalifiki oħra li ċ-Ċentru Malti għal Rikonossiment ta' Kwalifiki u ta' Informazzjoni jirrikonoxxi bħala ekwivalenti:

Iżda meta l-Aġenzija tqis li l-ekwivalenza tal-kwalifiki tkun biss parzjali, l-applikant jista' jipprovdi evidenza alternattiva bħala prova tal-kompetenza tiegħu li l-Aġenzija tista' tqis sodisfaċenti jew xort' oħra.

(3) Minkejja s-subartikoli (1) u (2), l-ebda persuna ma għandha tapplika għal, jew tikseb, jew tkun eliġibbli għal liċenzja, jew għal tiġdid ta' liċenzja, skont dan l-Att jekk:

(a) tkun interdotta jew inabilitata skont il-liġi ċivili jew tkun falluta u ma tkunx kisbet l-ordni ta' riabilitazzjoni maħruġa mill-Qorti kompetenti, jew jekk hija tkun kisbet l-ordni ta' riabilitazzjoni, tkun sospiżta għal terminu li jkun għadu ma skadiex jew tkun soġġetta għal kondizzjonijiet li jkunu għadhom ma ġewx sodisfatti; u

(b) ma tipprezentax ċertifikat ta' konformità maħruġ mill-Kummissarju tat-Taxxa u d-Dwana; jew

(ċ) wara li jitqiesu l-kondotta u r-reputazzjoni tal-applikant, il-pożizzjoni finanzjarja tiegħu u l-interessi tal-pubbliku, l-applikant ma jkunx persuna adatta u xierqa sabiex iwettaq l-attività ta' sensar tal-proprjetà jew agent tal-proprjetà immobbli jew sabiex jaġixxi bħala maniger ta' fergħa, ta' konsulent tal-proprjetà jew ta' konsulent dwar proprjetà speċifika.

(4) Il-Ministru jista', wara li jikkonsulta mal-Aġenzija, b'regolamenti jistabbilixxi:

(a) ir-reqwiżiti minimi tas-sugġetti ta' kwalunkwe korsijiet jew taħriġ ieħor li jwassal għall-għoti ta' ċertifikat fil-proprjeta immobbli skont dan l-artikolu;

(b) ir-reqwiżiti minimi tas-sugġetti ta' kwalunkwe żvilupp professjonali kontinwu organizzat fir-rigward ta' aġenti tal-proprjeta immobbli, sensara tal-proprjeta, manigers ta' fergħa, konsulenti tal-proprjeta jew konsulenti dwar proprjeta speċifika;

(ċ) il-livell jew it-tul tal-esperjenza li persuna għandha teħtieġ sabiex tkun eżentata milli tipproduċi kwalifiki formali jew milli tagħmel taħriġ ulterjuri sabiex tkun eliġibbli sabiex tkompli twettaq kwalunkwe attività li teħtieġ liċenzja taħt dan l-Att; u

(d) il-kontenut ta' kwalunkwe eżami tal-aptitudini li għalih persuna li tkun twettaq attività li teħtieġ liċenzja taħt dan l-Att tista' tkun meħtieġa li tagħmel.

Applikazzjoni
għal liċenzja.

20. (1) Kull persuna li għandha l-intenzjoni tikseb liċenzja skont dan l-Att għandha tissottometti applikazzjoni lill-Aġenzija fil-forma preskritta.

(2) Kull applikazzjoni taħt is-subartikolu (1):

(a) għandha tiddikjara l-lokalitajiet tal-attività fejn l-applikant ikun biħsiebu jwettaq l-attività; u

(b) għandha, fejn l-applikant għandu jew ikun qed jipproponi li jkollu żewġ (2) lokalitajiet jew aktar ta' attività, tispeċifika liema minn dawk il-lokalitajiet tal-attività ser tkun il-lokalità prinċipali tal-attività tiegħu.

(3) L-aġenti tal-proprjeta immobbli jew is-sensara tal-proprjeta li jkunu biħsiebhom iwettqu l-attività tagħhom permezz ta' sħubija f'konformità mad-dispożizzjonijiet tal-artikolu 18(4) għandhom jissottomettu applikazzjoni lill-Aġenzija fil-forma preskritta.

(4) Kull applikazzjoni skont is-subartikolu (3) għandha tiddikjara:

(a) l-isem sħiħ u n-numru ta' registrazzjoni uffiċjali tas-sħubija;

(b) id-data ta' inkorporazzjoni jew ta' registrazzjoni tas-sħubija;

(c) l-indirizz registrat jew il-post prinċipali tal-attività tas-*shubija*;

(d) l-ismijiet u n-numri ta' referenza tal-identità tad-diretturi, tal-imsieħba, tas-segretarju tal-kumpanija u tas-sidien benefiċjarji kollha; u

(e) in-numru tal-liċenzja ta' kwalunkwe detenturi ta' liċenzja.

(5) L-Aġenzija għandha tawtorizza l-eżerċizzju tal-attività kif provdut skont l-artikolu 18(4) meta tkun sodisfatta li:

(a) ir-rekwiżiti tal-artikolu 18(4) ikunu ġew imħarsa; u

(b) b'qies għall-imġiba u r-reputazzjoni u l-qagħda finanzjarja tad-diretturi, tal-imsieħba, tas-segretarju tal-kumpanija u tas-sidien benefiċjarji kollha, u l-interessi tal-pubbliku, id-diretturi, l-imsieħba, is-segretarju tal-kumpanija u s-sidien benefiċjarji, kollha huma persuni idonei u xierqa sabiex ikunu involuti fi *shubija* li l-għan ewlieni tagħha huwa l-attività provduta skont l-artikolu 18(1).

(6) Ma għandu jkun hemm l-ebda bidla fis-sjieda benefiċjarja, fil-bord tad-diretturi jew fl-imsieħba jew is-segretarju tal-kumpanija tas-*shubija* meta dan ikun meħtieġ taħt xi liġi oħra, iffurmata għall-finijiet tal-artikolu 18(4), sakemm din il-bidla ma tkunx ġiet innotifikata lill-Aġenzija fil-forma preskirta u l-Aġenzija tkun tat l-approvazzjoni tagħha dwar dan wara li tkun sodisfatta li l-kriterji stabbiliti fl-artikoli 18(4) u 20(5) ikunu ġew sodisfatti.

(7) F'każ ta' bidla fis-sjieda benefiċjarja, fil-bord tad-diretturi jew fl-imsieħba jew tas-segretarju tal-kumpanija ta' *shubija* meta dan ikun meħtieġ taħt xi liġi oħra ffurmata għall-finijiet tal-artikolu 18(4), is-*shubija* ma tistax terġa' tibda l-attività tagħha sakemm dawk il-bidliet ma jkunux ġew approvati mill-Aġenzija.

(8) Meta l-Aġenzija tiddeċiedi li tirrifjuta talba għal approvazzjoni ta' bidla kif provdut fis-subartikolu (6), l-Aġenzija għandha tinforma lill-applikant u fin-notifika għandha tiddikjara r-raġunijiet għad-deċiżjoni.

(9) L-Aġenzija għandha wkoll tiġi informata kull meta:

(a) xi wieħed (1) mid-diretturi jew mill-imsieħba jew is-segretarju tal-kumpanija jew mis-sidien benefiċjarji ta' *shubija* ffurmata għall-finijiet tas-subartikolu (4) tal-artikolu 18 jirriżenja jew jiġi xort' oħra mneħħi; jew

(b) jiġi riżolt jew xort'oħra deċiż illi sħubija fformata għall-finijiet tal-imsemmi subartikolu (4) tal-artikolu 18 għandha tkun xolta u konsegwentement stralċjata.

Avviż tal-applikazzjoni u determinazzjoni.

21. (1) L-applikant għandu jissottometti lill-Aġenzija kopja tal-applikazzjoni tiegħu flimkien ma' dik l-informazzjoni u dokumentazzjoni oħra sottomessa sabiex isostni l-applikazzjoni jew li tista' tintalab mill-Aġenzija sabiex tasal għal determinazzjoni relattiva għall-applikazzjoni msemmija. L-Aġenzija għandha tirrikonoxxi li tkun irċeviet applikazzjoni kompluta mingħajr dewmien u għandha tipproċessa l-applikazzjoni fi żmien xahrejn (2):

Iżda meta l-Aġenzija tkun teħtieġ aktar żmien sabiex tipproċessa l-applikazzjoni jew tkun teħtieġ dokumentazzjoni ulterjuri, l-Aġenzija tista' testendi ż-żmien għall-ipproċessar stabbilit fis-subartikolu (1) b'perjodi oħra:

Iżda wkoll meta tkun meħtieġa estensjoni taż-żmien, l-Aġenzija għandha tinnotifika lill-applikant mingħajr dewmien.

(2) L-Aġenzija għandha tiddetermina jekk l-applikant jissodisfax il-kriterji tal-eligibbiltà sabiex jingħata liċenzja jew awtorizzazzjoni.

(3) (a) Meta toħroġ liċenzja jew awtorizzazzjoni l-Aġenzija tista' tissoġġetta dik il-liċenzja jew awtorizzazzjoni għal kwalunkwe kondizzjonijiet kif tista' tqis xierqa u oġġettivament ġustifikati. Il-kondizzjonijiet ta' liċenzja jew awtorizzazzjoni jistgħu jiġu varjati jew revokati, minn żmien għal żmien, mill-Aġenzija u kondizzjonijiet godda jistgħu wkoll jiġu imposti. Qabel ma tvarja jew tirrevoka l-kondizzjonijiet ta' liċenzja jew awtorizzazzjoni u qabel ma timponi kondizzjonijiet godda l-Aġenzija għandha tagħti l-opportunità lid-detentur tal-liċenzja sabiex jagħmel sottomissjonijiet dwar il-varjazzjoni jew ir-revoka jew dwar l-impożizzjoni ta' kondizzjonijiet godda proposti;

(b) il-liċenzji u l-awtorizzazzjonijiet li jinħarġu skont dan l-Att jistgħu jkunu soġġetti għall-ħlas ta' drittijiet kif jista' jiġi stabbilit mill-Ministru bi qbil mal-Ministru responsabbli għall-finanzi b'regolamenti magħmula skont dan l-artikolu:

Iżda meta jistabbilixxi l-imsemmija drittijiet il-Ministru, bi qbil mal-Ministru responsabbli għall-finanzi, jista' jispeċifika li l-Aġenzija għandha tkun l-uniku utent tad-dħul miġbur mill-imsemmija drittijiet u li dak id-dħul għandu jiġi użat sabiex jagħmel tajjeb għall-ispejjeż inkorsi mill-Aġenzija sabiex tistabbilixxi kif jixraq, topera, issostni u tippromwovi l-obbligazzjonijiet tagħha jew xi parti minnhom.

(4) Meta l-Aġenzija tiddeċiedi li tirrifjuta talba sabiex toħroġ liċenzja jew awtorizzazzjoni, hija għandha tinforma lill-applikant u fl-avviż għandha tiddikjara r-raġunijiet għad-deċiżjoni.

(5) Mingħajr preġudizzju għall-artikoli preċedenti, meta għal raġunijiet ġustifikati u validi l-Aġenzija ma tkunx tista' tasal għal deċiżjoni fil-perjodu ta' żmien stipulat f'dan l-Att jew fi kwalunkwe regolamenti magħmula taħtu l-imsemmi perjodu ta' żmien għandu jiġi estiż għal perjodu jew perjodi ulterjuri li kull wieħed minnhom ma għandux jeċċedi aktar minn xahrejn (2). L-applikant għandu jiġi informat b'kull tali estensjoni.

22. (1) L-ebda detentur ta' liċenzja ma għandu jeżerċita l-attività ta' intermedjarju fil-proċess ta' negozjar jew twettiq ta' transazzjonijiet li jinvolvi l-akkwist, it-trasferiment jew il-kiri ta' art skont dan l-Att taħt kwalunkwe isem sakemm l-isem ma jkunx l-ewwel ġie approvat mill-Aġenzija. Effett ta' liċenzja.

(2) Applikant għal liċenzja jew detentur ta' liċenzja jista' fi kwalunkwe żmien japplika bil-miktub lill-Aġenzija sabiex tapprova isem għall-iskopijiet tas-subartikolu (1), liema isem ma għandux jiġi approvat jekk l-Aġenzija tqis illi l-isem jixbah mill-qrib l-isem ta' xi persuna oħra, ditta, jew kumpanija li tkun teżerċita l-attività ta' sensar tal-proprjetà liċenzjat jew aġent tal-proprjetà immobbli f'Malta jew barra minn Malta li x'aktarx iqarra, jew li dak l-isem ikun dak ta' kwalunkwe persuna, ditta jew kumpanija.

(3) L-Aġenzija għandha toħroġ dokument ta' liċenzjar lid-detentur ta' liċenzja skont dan l-Att. Id-dokument ta' liċenzjar għandu jkun fih ritratt tad-detentur ta' liċenzja u tali informazzjoni oħra li l-Aġenzija tista' tqis meħtieġa. L-imsemmija informazzjoni għandha tinkludi, *inter alia*, l-isem, it-tip ta' liċenzja, in-numru tar-reġistrazzjoni u t-terminu tal-validità. Id-dokument ta' liċenzjar għandu jibqa' proprjetà tal-Aġenzija u għandu jintradd lura lill-Aġenzija mas-sospensjoni jew ir-revoka ta' liċenzja maħruġa skont dan l-Att.

(4) Id-detentur tal-liċenzja għandu l-obbligu li jindika n-numru ta' reġistrazzjoni tal-liċenzja meta jirreklama, jippromwovi jew jikkummerċjalizza xi proprjetà.

(5) Kwalunkwe detentur ta' liċenzja li jikser id-dispożizzjonijiet tas-subartikolu (1) jew is-subartikolu (2) għandu, meta jinstab haġi, jehel penali amministrattiva ta' mhux aktar minn għoxrin elf euro (€20,000) li tiġi imposta mill-Aġenzija.

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Skadenza u tiġdid ta' liċenzja.

23. Liċenzja għandha, sakemm ma tiġix revokata qabel skont id-dispożizzjonijiet ta' dan l-Att, tibqa' valida sakemm jiskadu hames (5) snin minn meta tkun inħarġet, u għandha tiġġedded wara l-iskadenza tal-perjodu msemmi sakemm ma jkunx hemm raġunijiet sabiex ma tiġġeddidx kif provdut skont dan l-Att.

Rifjut ta' tiġdid ta' liċenzja.

24. (1) L-Aġenzija għandha tirrifjuta li ġġedded liċenzja għal kwalunkwe waħda mir-raġunijiet li ġejjin:

(a) id-detentur ta' liċenzja jinstab li qed jikser xi dispożizzjoni speċifikata f'dan l-Att;

(b) id-detentur ta' liċenzja jkun ippermetta lil kwalunkwe persuna, minbarra detentur ta' liċenzja skont dan l-Att, li taġixxi bhala r-rappreżentant tiegħu fl-eżerċizzju tal-attività tiegħu;

(ċ) meta jitqiesu l-karattru jew l-idoneità u l-adegwatezza tad-detenturi ta' liċenzja, ma jkunx fl-interess pubbliku li l-liċenzja tiġġedded;

(d) id-detentur ta' liċenzja jkun naqas milli jsegwi s-sett minimu ta' sigħat ta' żvilupp professjonali kontinwu ffissat mill-Aġenzija matul il-hames (5) snin ta' qabel;

(e) id-detentur ta' liċenzja jkun naqas li jhallas id-drittijiet tal-liċenzja jew ammonti oħra dovuti lill-Aġenzija skont l-Att;

(f) id-detentur tal-liċenzja ma jipprezentax ċertifikat ta' konformità mahruġ mill-Kummissarju tat-Taxxa u d-Dwana.

(2) Meta l-Aġenzija tiddeċiedi li ma ġġeddidx liċenzja, l-Aġenzija għandha tinforma lid-detentur ta' liċenzja b'avviż u tagħti r-raġunijiet għad-deċiżjoni tagħha bil-miktub.

Ċessjoni, sospensjoni jew kancellazzjoni ta' liċenzja.

25. (1) Detentur ta' liċenzja jista' fi kwalunkwe żmien iċedi l-liċenzja tiegħu billi jibgħat avviż bil-miktub għal dan il-għan, flimkien mad-dokument tal-identità, lill-Aġenzija.

(2) Id-detenturi ta' liċenzja jistgħu fi kwalunkwe żmien jinnotifikaw lill-Aġenzija li huma mhumiex biħsiebhom jibqgħu joperaw permezz ta' shubija kif provdut skont l-artikolu 18(4) billi jibagħtu avviż bil-miktub għal dan il-għan lill-Aġenzija.

(3) L-Aġenzija għandha tniżżel fuq l-avviż id-data meta tirċievi l-avviż, u l-liċenzja jew l-awtorizzazzjoni għandha, minn dik id-data, ma tibqax effettiva.

(4) Iċ-ċessjoni ta' liċenzja jew awtorizzazzjoni taħt dan l-artikolu ma għandhiex taffettwa r-responsabbiltà tad-detentur ta' liċenzja jew ta' shubija, skont il-każ:

(a) sabiex iħallas kwalunkwe drittijiet jew ammonti oħra dovuti li jkun pagabbli lill-Aġenzija skont dan l-Att fi jew qabel id-data li fiha l-liċenzja kienet tiskadi kieku ma saritx iċ-ċessjoni tagħha;

(b) sabiex iwettaq kwalunkwe obbligu li jkun meħtieġ li jitwettaq taħt dan l-Att fi jew qabel dik id-data;

(ċ) għal kwalunkwe att magħmul jew nuqqas li jkun twettaq qabel id-data li fiha l-liċenzja jew l-awtorizzazzjoni ma baqgħux effettivi; u

(d) fejn l-Aġenzija tirċievi rapporti minn xi aġenzija oħra, inkluż minn awtoritajiet responsabbli għas-sigurtà u l-infurzar ta' kwalunkwe obbligu ieħor li d-detentur tal-liċenzja jkun soġġett għalih.

(5) Il-liċenzja jew l-awtorizzazzjoni tista' tigi kkanċellata jew sospiża mill-Aġenzija fi kwalunkwe waħda mill-istanzi li ġejjin:

(a) fejn l-Aġenzija tiddetermina li d-detentur ta' liċenzja ma għadux jissodisfa jew jilhaq ir-rekwiżiti ta', jew ikun kiser, xi waħda mid-dispożizzjonijiet ta' dan l-Att jew ta' xi regoli maħruġa tahtu, jew ikun naqas milli jissodisfa jew milli jikkonforma ma' xi obbligu jew kondizzjoni li l-liċenzja tkun soġġetta għaliha bis-saħħa ta', jew skont dan l-Att;

(b) fejn xi sid benefiċjarju, membru tal-bord tad-diretturi jew imsieheb, jew segretarju tal-kumpanija ta' shubija fformata għall-finijiet tal-artikolu 18(4), meta dan ikun meħtieġ taħt xi liġi oħra, ma jibqax jissodisfa l-kondizzjonijiet stabbiliti fl-artikolu 20(5);

(ċ) fejn shubija fformata għall-finijiet tal-artikolu 18(4) tkun se tigi xolta u konsegwentement tigi stralċjata;

(d) fejn l-Aġenzija tirċievi rapporti negattivi minn kwalunkwe aġenzija oħra, inkluż minn awtoritajiet responsabbli minn harsien u infurzar ta' kwalunkwe obligazzjoni oħra li jista' jkun soġġett għaliha d-detentur ta' liċenzja.

(6) Fiċ-ċirkostanzi msemmija fis-subartikolu (5), l-Aġenzija tista', minflok is-sospensjoni jew il-kanċellazzjoni ta' liċenzja jew awtorizzazzjoni, tordna t-tneħħija u s-sostituzzjoni ta' kwalunkwe tali

persuna li tista' tkun involuta fis-sħubija.

(7) Meta l-Aġenzija tiddeċiedi li tissospendi jew tikkancella liċenzja jew awtorizzazzjoni, l-Aġenzija għandha tinforma lid-detentur jew detenturi ta' liċenzja b'avviż bil-miktub fejn tagħti r-raġunijiet għad-deċiżjoni tagħha.

TAQSIMA IV Reġistrazzjoni

Reġistru ta'
Detenturi ta'
Liċenzja.

26. (1) Għall-finijiet ta' dan l-Att, l-Aġenzija għandha żżomm Reġistru intern b'mod sikur u għandu jinkludi d-dettalji li ġejjin:

(a) fil-każ tal-ħruġ ta' liċenzja, l-isem tad-detentur ta' liċenzja, id-data li fiha tkun inħarġet il-liċenzja, il-perjodu ta' validità, it-tip ta' liċenzja maħruġa u n-numru ta' reġistrazzjoni;

(b) fil-każ ta' aġenti tal-proprjetà immobbli jew sensara tal-proprjetà li jkunu qegħdin jeżerċitaw l-attività tagħhom permezz ta' sħubija:

(i) l-isem sħiħ u n-numru ta' reġistrazzjoni uffiċjali tas-sħubija;

(ii) l-indirizz reġistrat jew il-post prinċipali tal-attività;

(iii) id-data ta' inkorporazzjoni jew ta' reġistrazzjoni tas-sħubija;

(ċ) fejn l-aġenti tal-proprjetà immobbli jimpjegaw jew iqabdbu konsulenti tal-proprjetà, lista aġġornata li tkun tinkludi d-dettalji tal-konsulenti tal-proprjetà kollha li huma impjegati jew imqabdbu mal-aġent tal-proprjetà immobbli;

(d) fil-każ ta' tiġdid ta' liċenzja, id-data meta tkun iġġeddet il-liċenzja;

(e) fil-każ tal-kancellazzjoni ta' liċenzja jew ċertifikat ta' approvazzjoni jew tas-sospensjoni ta' detentur ta' liċenzja jew ta' detentur ta' ċertifikat ta' approvazzjoni, id-data meta tkun saret il-kancellazzjoni jew is-sospensjoni;

(f) fil-każ ta' sensar okkażjonali, l-isem tas-sensar okkażjonali, id-data li fiha tkun inħarġet l-approvazzjoni mill-Aġenzija, il-perjodu ta' validità u n-numru ta' reġistrazzjoni:

Iżda l-Aġenzija għandha tagħmel disponibbli għall-

pubbliku biss dik l-informazzjoni li hija strettament meħtieġa sabiex tippermetti lill-pubbliku jivverifika jekk intermedjarju huwiex liċenzjat jew awtorizzat li jopera.

(2) L-Aġenzija għandha wkoll, fir-rigward ta' kwalunkwe reġistrazzjoni, tirreġistra dawk id-dettalji oħra kif jista' jkun meħtieġ minn dan l-Att jew kif jista' jiġi preskritt, minn żmien għal żmien.

(3) L-Aġenzija għandha tiżgura li kwalunkwe data personali li tinsab fir-Reġistru ma għandhiex tiġi pproċessata iktar b'mod li ma jkunx kompatibbli mal-għan ta' dan l-Att.

(4) L-Aġenzija għandha tipprovdi lis-sugġetti tad-data l-informazzjoni kollha fir-rigward tal-ipproċessar tad-data personali tagħhom skont l-artikoli 13 u 14 tar-Regolament (UE) 2016/679 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' April 2016 dwar il-protezzjoni tal-persuni fiżiċi fir-rigward tal-ipproċessar ta' data personali u dwar il-moviment liberu ta' tali data, u li jhassar id-Direttiva 95/46/KE (Regolament Ġenerali dwar il-Protezzjoni tad-Data), li hi meħtieġa biex jiġi żgurat pproċessar ġust u trasparenti.

(5) L-Aġenzija għandha temenda r-Reġistru kull tliet (3) xhur u għandha tfittex li żżomm l-informazzjoni li jkun hemm fih preċiża u kontinwament aġġornata kif jista' jiġi stabbilit mill-Ministru permezz ta' regolamenti magħmula taħt dan l-Att.

27. (1) Kwalunkwe pproċessar ta' data personali mill-Aġenzija għall-fini ta' dan l-Att għandu jikkonforma bi sħiħ mad-dispożizzjonijiet tar-Regolament (UE) 2016/679 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' April 2016 dwar il-protezzjoni tal-persuni fiżiċi fir-rigward tal-ipproċessar ta' data personali u dwar il-moviment liberu ta' tali data, u li jhassar id-Direttiva 95/46/KE (Regolament Ġenerali dwar il-Protezzjoni tad-Data) u l-Att dwar il-Protezzjoni u l-Privatezza tad-Data, inklużi r-regolamenti magħmula taħtu, u d-dritt għall-protezzjoni tad-data personali li tappartjeni għal persuni fiżiċi.

Protezzjoni tad-data.

Kap. 586.

(2) L-Aġenzija, filwaqt li tqis in-natura, l-iskop, il-kuntest u l-għanijiet tal-ipproċessar, kif ukoll ir-riskji ta' probabbiltà u severità li jvarjaw għad-drittijiet u l-libertajiet tas-sugġetti tad-data, għandha timplimenta miżuri tekniċi u organizzattivi xierqa b'mod effettiv u li jintegra s-salvagwardji meħtieġa fl-ipproċessar, sabiex jiġu protetti d-drittijiet tas-sugġetti tad-data u sabiex jiġi żgurat livell ta' sigurtà xieraq għar-riskju.

(3) Għall-finijiet li tiġi żgurata u sabiex ikun jista' juri konformità mal-prinċipji kollha relatati mal-ipproċessar ta' data personali kif

stipulati fl-Artikolu 5 tar-Regolament (UE) 2016/679 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' April 2016 dwar il-protezzjoni tal-persuni fiżiċi fir-rigward tal-ipproċessar ta' data personali u dwar il-moviment liberu ta' tali data, u li jhassar id-Direttiva 95/46/KE (Regolament Ġenerali dwar il-Protezzjoni tad-Data), il-kontrollur għandu jimplementa politiki xierqa ta' protezzjoni tad-data, liema politiki għandhom jiġu riveduti perjodikament u aġġornati fejn meħtieġ.

(4) L-uffiċjal għall-protezzjoni tad-data mahtur mill-Aġenzija skont l-Artikolu 37 tar-Regolament (UE) 2016/679 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' April 2016 dwar il-protezzjoni tal-persuni fiżiċi fir-rigward tal-ipproċessar ta' data personali u dwar il-moviment liberu ta' tali data, u li jhassar id-Direttiva 95/46/KE (Regolament Ġenerali dwar il-Protezzjoni tad-Data) għandu jkun involut u kkonsultat kif suppost u f'waqtu dwar il-kwistjonijiet kollha b'rabta mal-ipproċessar ta' data personali.

TAQSIMA V

L-Għoti ta' Informazzjoni lill-Konsumatur, Dikjarazzjoni tas-Senserija, Rendikonti Annwali

Drittijiet.

28. Id-detenturi ta' liċenzja u s-sensara okkażjonali għandhom jinfurmaw lill-partijiet minn qabel fir-rigward tad-drittijiet li għandhom jithallsu għas-servizzi tagħhom:

Iżda jekk id-detentur ta' liċenzja jew is-sensar okkażjonali kienu attivi waqt in-negozjati bejn il-partijiet b'mod li jintitolahom għal kumpens ġust minkejja l-fatt illi t-transazzjoni ma kinitx finalizzata, tali kumpens għandu jkun determinat minn qorti.

Is-senserija għandha tkun dikjarata.

29. (1) F'kull kuntratt konkluż wara l-1 ta' Diċembru 2024 li bih art tiġi akkwistata, trasferita jew mikrija l-partijiet għandhom jiddikjaraw jekk is-servizzi ta' aġent tal-proprjetà immobbli, sensar tal-proprjetà, sensar okkażjonali, konsulent tal-proprjetà jew ta' konsulent dwar proprjetà speċifika kinux imqabba u jekk is-senserija tkun fir-rigward tat-transazzjoni dovuta, u jekk is-senserija tkun hekk dovuta, il-partijiet għandhom jidentifikaw lill-persuna fiżika jew lill-persuna legali li tkun qiegħda tirċievi jew li għandha tirċievi d-drittijiet tas-senserija.

(2) Kull parti f'kuntratt u kull sensar tal-proprjetà, sensar okkażjonali, konsulent tal-proprjetà, konsulent dwar proprjetà speċifika jew aġent tal-proprjetà immobbli li jaġixxi bi ksur ta' dan l-artikolu għandu jkun soġġett għal penali amministrattiva ta' mhux iżjed minn għaxart elef euro (€10,000) li tiġi imposta mill-Aġenzija.

30. Kull detentur ta' liċenzja u sħubija reġistrata għandhom sa mhux aktar tard mit-30 ta' Ġunju ta' kull sena jissottomettu rendikont annwali mal-Aġenzija fuq dik il-formola hekk kif l-Aġenzija għandha tippreskrivi li jkunu jindikaw it-transazzjonijiet kollha li dwarhom id-detentur tal-liċenzja jkun irċieva drittijiet tas-senserija matul is-sena kalendarja preċedenti:

Rendikont annwali.

Iżda l-ewwel rendikont skont dan l-artikolu għandu jkun dovut li jiġi preżentat sat-30 ta' Ġunju 2025 dwar drittijiet ta' senserija irċevuti matul is-sena kalendarja 2024.

TAQSIMA VI **Setgħat Speċjali tal-Aġenzija**

31. (1) Għall-għanijiet ta' dan l-Att, il-Kap Eżekuttiv jew ufficjal tal-Aġenzija awtorizzat minnu għandu jkollu s-setgħa, fi kwalunkwe ħin ragjonevoli:

Setgħat tal-Kap Eżekuttiv u tal-ufficjali awtorizzati.

(a) li jidhol fi kwalunkwe żona jew fond u li jispezzjona l-istess fl-eżekuzzjoni tal-funzjonijiet tiegħu taħt dan l-Att;

(b) bla ħsara għal kull obbligu ta' segretezza professjonali taħt kull liġi oħra, li jeħtieġ li kwalunkwe persuna tirrispondi kwalunkwe domanda u, jew ipproduci kwalunkwe rekord li jkun fil-kontroll ta' dik il-persuna li jkun jikkonċerna kwalunkwe attivitajiet li jkollhom x'jaqsmu ma' dan l-Att li jkunu twettqu fi kwalunkwe żona jew fond;

(c) li jispezzjona, li jieħu estratt, jew li jieħu kwalunkwe kopja ta' kwalunkwe rekord li tkun relevanti għall-amministrazzjoni ta' dan l-Att;

(d) li jagħti kull ordni taħt dan l-Att illi huwa jista' jqis li tkun meħtieġa;

(e) li jirreferi kwalunkwe haġa lill-Bord tal-Aġenzija.

(2) Ufficjal awtorizzat għandu, filwaqt li jkun qiegħed jeżerċita poter delegat lilu mill-Kap Eżekuttiv taħt id-dispożizzjonijiet ta' dan l-Att:

(a) jipprovdi dokument ta' identifikazzjoni maħruġ mill-Aġenzija meta jiġi mitlub mis-sid jew mill-amministratur ta' kwalunkwe żona jew fond li jkun taħt spezzjoni; u

(b) jagħti avviż ragjonevoli, sakemm dak l-avviż ma jkunx itellef l-iskop tal-eżerċizzju jew tal-ispezzjoni intiżi.

(3) Il-Kap Eżekuttiv u kull uffiċjal tal-Aġenzija li jkun awtorizzat minnu, filwaqt li jkun qiegħed jeżerċita kwalunkwe poter taħt dan l-Att, jista' jitlob l-assistenza ta' uffiċjal tal-pulizija jew ta' kwalunkwe persuna oħra hekk kif jista' jeħtiegħ.

Kunfidenzjalità.
Kap. 496.

32. Mingħajr preġudizzju għad-dispożizzjonijiet tal-Att dwar il-Libertà tal-Infurmazzjoni, il-membri tal-Bord tal-Aġenzija, il-Kap Eżekuttiv u l-uffiċjali, l-impjegati u l-aġenti tal-Aġenzija, sew jekk ikunu għadhom fis-servizz tal-Aġenzija sew xort'oħra, għandhom jittrattaw kwalunkwe informazzjoni u dokumenti li huma jiksbu fit-tweqqiq ta' dmirijiethom jew fl-eżerċizzju tal-funzjonijiet tagħhom taħt dan l-Att bħala kunfidenzjali, u ma għandhom jżvelaw l-ebda informazzjoni jew dokument li jkollhom x'jaqsmu mal-affarijiet ta' kwalunkwe detentur ta' liċenzja jew sensar okkażjonali, li huma jkunu kisbu fit-tweqqiq ta' dmirijiethom jew fl-eżerċizzju tal-funzjonijiet tagħhom taħt dan l-Att hlief:

(a) għall-fini tal-qadi ta' dmirijiethom jew l-eżerċizzju tal-funzjonijiet tagħhom taħt dan l-Att;

(b) quddiem kwalunkwe qorti jew tribunal kompetenti fi kwalunkwe proċeduri li l-Aġenzija tkun parti fihom jew fi kwalunkwe proċeduri kriminali hlief jekk tali dokument ikun wieħed privileġġjat jew kunfidenzjali li jkun eżenti milli jiġi żvelat quddiem qorti taħt id-dispożizzjonijiet ta' xi liġi oħra;

(ċ) lil aġenzija pubblika li tkun espliċitament awtorizzata li titlob tali informazzjoni taħt kwalunkwe liġi;

(d) għall-fini tal-infurzar ta' kwalunkwe penali imposta mill-Aġenzija taħt dan l-Att; u

(e) fil-forma ta' gabra ta' data jew informazzjoni statistika oħra, li fl-opinjoni tal-Aġenzija ma twassalx għall-identifikazzjoni ta' xi persuna speċifika.

Esklużjoni mir-responsabbiltà.

33. Il-membri tal-Bord tal-Aġenzija, il-Kap Eżekuttiv u l-uffiċjali, l-impjegati tal-Aġenzija u kwalunkwe persuna awtorizzata sabiex tagħxi f'isem l-Aġenzija taħt dan l-Att, meta jkunu qegħdin jaġixxu fit-tweqqiq tal-funzjonijiet tagħhom taħt dan l-Att jew taħt xi regolamenti magħmula taħtu, ma għandhomx ikunu responsabbli għal kwalunkwe telf jew ħsara sofferta minn kwalunkwe persuna minhabba kull haġa magħmula jew illi naqset milli ssir minnhom *in bona fide* fil-kors tal-amministrazzjoni ta' dan l-Att jew ta' xi regolamenti magħmula taħtu.

TAQSIMA VII
Setgha sabiex isiru Regolamenti

34. Il-Ministru jista' jagħmel regolamenti sabiex id-dispożizzjonijiet ta' dan l-Att jitwettqu aħjar u tali regolamenti jistgħu wkoll jipprovdu għall-aħjar implimentazzjoni ta' kwalunkwe liġi oħra li l-Aġenzija hija intitolata li tinforza, għall-eliminazzjoni tad-diffikultajiet jew għall-iffissar ta' perjodi ta' żmien u kondizzjonijiet dwar l-implimentazzjoni ta' dik il-liġi u mingħajr preġudizzju għall-generalità ta' dak imsemmi qabel, tali regolamenti jistgħu jipprovdu:

Setgha ta' għemil ta' regolamenti.

(a) dwar kwalunkwe haġa relatata mal-attivitajiet ta' sensara tal-proprjeta', aġenti tal-proprjeta' immobbli, konsulenti tal-proprjeta', konsulenti dwar proprjeta' speċifika, sensara okkażjonali jew persuni li jaġixxu bħala intermedjarji fil-proċess li permezz tiegħu jiġu nnegożjati jew konkluzi transazzjonijiet li jinvolvu l-akkwist, il-bejgħ, it-trasferiment jew il-kiri ta' art, ukoll jekk fuq bażi okkażjonali;

(b) dwar it-twaqqif ta' regoli, il-kondizzjonijiet, il-kodicijiet ta' kondotta u bye-laws dwar l-attivitajiet imsemmija fil-paragrafu (a);

(ċ) dwar it-twaqqif ta' rekwiziti akkademiċi, ta' taħriġ jew rekwiziti oħra professjonali jew ta' aptitudini għall-eżerċizzju tal-attivitajiet imsemmija fil-paragrafu (a);

(d) dwar l-ġhoti ta' eżenzjonijiet minn kwalunkwe dispożizzjoni ta' dan l-Att dwar attivitajiet speċifiċi jew tranżazzjonijiet jew għal żmien speċifikat jew sabiex iwassal biex isehħu arrangamenti transitorji;

(e) dwar l-estensjoni tad-dispożizzjonijiet ta' dan l-Att għal kwalunkwe attività relatata jew li tkun sostanzjalment tal-istess natura bħall-attivitajiet imsemmija fil-paragrafu (a);

(f) sabiex jirregolaw il-proċedura li biha għandu jkun determinat jekk penali amministrattiva li hemm provdut dwarha f'dan l-Att jew f'xi regolamenti magħmula tahtu għandhom isiru dovuti u sabiex jipprovdu għall-ħlas ta' penali amministrattivi bħala patteġġjament ta' proċeduri li jwasslu għall-impożizzjoni ta' penali amministrattiva kif imsemmi;

(g) sabiex jippreskrivu kull haġa li tista' tiġi preskritta taht dan l-Att.

TAQSIMA VIII
Appelli minn Deċiżjonijiet tal-Aġenzija

Dritt ta' appell
lit-Tribunal ta'
Reviżjoni
Amministrattiva.

35. (1) It-Tribunal ta' Reviżjoni Amministrattiva għandu jkun kompetenti sabiex jisma' u jiddetermina oġġezzjonijiet li jsiru minn xi persuna aggravata minn kwalunkwe deċiżjoni tal-Aġenzija taht dan l-Att jew taht xi regolamenti magħmula tahtu:

Iżda, hlief jekk il-liġi tippreskrivi b'mod ieħor, oġġezzjoni mressqa fit-termini ta' dan is-subartikolu lit-Tribunal ta' Reviżjoni Amministrattiva għandha tigi sottomessa fi żmien għoxrin (20) jum minn meta tigi riċevuta d-deċiżjoni tal-Aġenzija.

Kap. 490.

(2) Għandu jkun hemm dritt ta' appell skont id-dispożizzjonijiet tat-Taqsima IV tal-Att dwar il-Ġustizzja Amministrattiva mid-deċiżjonijiet tat-Tribunal ta' Reviżjoni Amministrattiva skont is-subartikolu (1) u dak l-appell għandu jsir lill-Qorti tal-Appell (Ġurisdizzjoni Inferjuri).

TAQSIMA IX
Penali Amministrattivi

Dispożizzjoni
generali dwar
reati u penali.

36. (1) Hlief fejn dan l-Att jipprovdi xort'ohra u bla ħsara għal kwalunkwe piena oghla li ghalih tista' tkun responsabbli taht xi liġi ohra persuna li taġixxi bi ksur ta' xi regolamenti magħmula tahtu, kwalunkwe persuna li taġixxi bi ksur tad-dispożizzjonijiet ta' dan l-Att jew ta' xi regolamenti magħmula tahtu għandha tkun responsabbli għall-ħlas ta' penali amministrattiva ta' mhux iżjed minn għoxrin elf euro (€20,000).

(2) Kwalunkwe penali amministrattiva imposta skont dan l-Att jew kwalunkwe regolamenti magħmula tahtu għandha tkun irkuprata bħala dejn ċivili mill-Aġenzija.

(3) Fejn l-Aġenzija jkun jehtigilha li tharrek fil-qorti sabiex tirkupra dejn dovut lilha taht dan l-Att jew kwalunkwe regolamenti magħmula tahtu, il-Kap Eżekuttiv jew ufficjal debitament awtorizzat minnu biex jaġixxi għan-nom tal-Aġenzija jista' jagħmel dikjarazzjoni ġuramentata quddiem ir-Registatur tal-qorti jew quddiem xi ufficjal ieħor li jkun awtorizzat biex jamministra l-ġurament f'affarijiet ġudizzjarji, fejn jistqarr in-natura tad-dejn u isem id-debitur u jikkonferma illi huwa dovut.

(4) Id-dikjarazzjoni msemmija fis-subartikolu (3) għandha tigi notifikata lid-debitur permezz ta' ittra ġudizzjarja u għandu jkollha l-istess effett ta' sentenza finali tal-Qorti kompetenti hlief jekk id-debitur, fi żmien għoxrin (20) jum minn meta jigi notifikat bl-imsemmija dikjarazzjoni, ma jopponix it-talba billi jipprezenta rikors

li bih jitlob illi l-Qorti tiddikjara li t-talba hija infondata.

(5) Ir-rikors preżentat fil-qorti skont is-subartikolu (4) għandu jiġi notifikat lill-Aġenzija, illi għandha tkun intitolata tippreżenta risposta fi żmien għoxrin (20) jum. Il-Qorti għandha tappunta r-rikors għas-smiġh għal data wara li jiskadi l-imsemmi żmien.

(6) Kwalunkwe djun dovuti lill-Aġenzija għandhom ikunu preskritti f'għeluq iż-żmien ta' hames (5) snin mid-data li fiha d-dejn kien dovut.

(7) L-ebda liċenzja u, jew awtorizzazzjoni ma għandha tinħareġ jew tiġi mġedda skont dan l-Att favur xi persuna li ma tkunx għadha hallset xi djun pendenti dovuti lill-Aġenzija.

TAQSIMA X Dispożizzjonijiet Tranżitorji

37. L-Att dwar l-Aġenti tal-Proprietà Immobili u tas-Sensara u Konsulenti tal-Proprietà huwa b'dan revokat mingħajr preġudizzju għal kull haġa magħmula jew li għad trid issir tahtu u għad-dispożizzjonijiet ta' din it-Taqsima.

Revoka u dispożizzjoni tranżitorja. Kap 615.

38. Kif soġġett għad-dispożizzjonijiet tal-Att tal-2024 dwar is-Suq tal-Proprietà, kwalunkwe liġi, regoli, regolamenti, ordnijiet, sentenzi, dokumenti, mandati u arranġamenti ta' xogħol, li jkunu jissussistu minnufih qabel id-dhul fis-seħh tal-istess Att, li jkunu jaffettwaw il-Bord tal-Ħruġ ta' Liċenzji stabbilit taht l-Att dwar l-Aġenti tal-Proprietà Immobili u tas-Sensara u Konsulenti tal-Proprietà għandu jkollhom effett kontra jew favur l-Aġenzija u għandhom ikunu eżegwibbli b'mod sħiħ u effettiv daqslikieku, minflok il-Bord tal-Ħruġ ta' Liċenzji, l-Aġenzija kienet imsemmija fihom jew kienet parti għalihom, skont il-każ.

L-Aġenzija għandha tissuċċedi lill-Bord tal-Ħruġ tal-Liċenzji. Att Nru XXVII tal-2024. Kap. 615.

39. (1) Kwalunkwe haġa li tkun inbdiet minn, jew taht l-awtorità tal-Bord tal-Ħruġ ta' Liċenzji qabel id-dhul fis-seħh tal-Att tal-2024 dwar l-Aġenzija dwar is-Suq tal-Proprietà tkun tista' titkompla u tiġi kompletata mill-Aġenzija.

Kontinwazzjoni mill-Aġenzija tal-affarijiet li jinvolvu lill-Bord tal-Ħruġ tal-Liċenzji. Att Nru XXVII tal-2024.

(2) Kwalunkwe proċedura legali li tkun pendenti mad-dhul fis-seħh ta' dan l-Att li għaliha l-Bord tal-Ħruġ ta' Liċenzji jkun parti, jew ikun intitolat li jkun parti, l-Aġenzija għandha tkun sostitwita għall-Bord tal-Ħruġ ta' Liċenzji f'dawk il-proċeduri, jew għandha tkun intitolata li tkun parti fihom.

(3) Il-Ministru jista' b'ordni jagħmel dawk id-dispożizzjonijiet incidentali, konsegwenzjali u supplimentari kif jista' jkun meħtieġ jew espedjenti għall-iskop li jassigura u li jagħti effett sħiħ lit-trasferiment

ta' kull dritt jew obligazzjoni lill-Aġenzija b'dan l-Att, jew tahtu u jista' jagħmel dawk l-ordnijiet kif ikun meħtieġ sabiex jagħmel kwalunkwe setgħa u dmir eżerċitati mill-Bord tal-Ħruġ tal-Liċenzji eżerċitabbli mill-Aġenzija.

Revoka u trasferiment ta' liġijiet sussidjarji. L.S. 615.01. Att Nru XXVII tal-2024.

40. (1) Ir-Regolamenti dwar id-Dikjarazzjoni ta' Intenzjoni qegħdin b'dan jiġu mħassra mingħajr preġudizzju għal dak li sar jew li naqas milli jsir tahtom.

(2) Mad-dhul fis-seħħ tal-Att tal-2024 dwar l-Aġenzija dwar is-Suq tal-Proprjeta, il-legizlazzjoni sussidjarja elenkata fl-ewwel kolonna tal-Iskeda għandha titqies li saret taht id-dispożizzjonijiet korrispondenti ta' dan l-Att, u għandha tiġi enumerata mill-ġdid skont kif speċifikat fit-tielet kolonna tal-imsemmija Skeda.

SKEDA
(artikolu 40(2))

Legizlazzjoni Sussidjarja meqjusa magħmula taht dan l-Att

Legizlazzjoni Sussidjarja	Enumerazzjoni Preżenti	Kif għandha tiġi enumerata mill-ġdid
Regolamenti dwar l-Esperjenza ta' Xogħol fil-Proprjeta Immobili	L.S. 615.02	L.S. 644.01
Regolamenti dwar id-Determinazzjoni tal-Aplikazzjonijiet tal-Liċenzji	L.S. 615.03	L.S. 644.02.

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 258 tal-15 ta' Lulju, 2024.

DAVID AGIUS
Deputy Speaker

ELEANOR SCERRI
Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

MYRIAM SPITERI DEBONO
President

26th July, 2024

ACT No. XXVII of 2024

AN ACT to establish the Property Market Agency and to make provision for the regulation of the property market.

BE IT ENACTED by the President, by and with the advice and consent to the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

ARRANGEMENT OF THE ACT

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PART I
Preliminary

- Short title and commencement. **1.** (1) The short title of this Act is the Property Market Agency Act, 2024.
- (2) All the provisions of this Act shall come into force within two (2) months from their date of publication in the Gazette.
- Interpretation. **2.** In this Act, unless the context otherwise requires:
- Cap. 490. "Administrative Review Tribunal" means the Administrative Review Tribunal established by article 5(1) of the Administrative Justice Act;
- "Agency" means the Property Market Agency established by article 3;
- "authorisation" means an authorisation granted by the Agency in terms of article 20(5);
- S.L. 373.01. "beneficial owner" shall have the same meaning as assigned to it in the Prevention of Money Laundering and Funding of Terrorism Regulations;
- "Board" means the Board of the Agency;
- "branch manager" means any natural person who is a licence holder and who acts as an intermediary in the process of negotiating and carrying out transactions, involving the acquisition or transfer or lease of land in terms of this Act and who is also licenced and employed or engaged to supervise any property consultant;
- "Executive Head" means the Executive Head of the Agency;
- Cap. 356. "developer" means the owner of the land on which development is executed in terms of the Development Planning Act;
- Cap. 16. "land" means all immovable property as defined in the Civil Code and which is not *extra commercium*;
- "licence" means a licence issued by the Agency to exercise the activity of a property broker, real estate agent, or to act as a branch manager or property consultant or specific property consultant or other property market intermediary;

"licence holder" means any holder of a licence issued by the Agency for exercising the activity of a real estate agent or a property broker or to act as a branch manager or a property consultant or a specific property consultant, or other property market intermediary, depending on the type of licence issued by the Agency;

"Minister" means the Minister responsible for the property market;

"occasional broker" means an individual who acts as a broker in property transactions who:

(a) does not advertise his services in printed media, broadcasting media or on electronic media networks; and

(b) restricts his services to occasional transactions not being more than two (2) transactions involving the acquisition, transfer or lease of land during each calendar year; and where the total value of the land so acquired, transferred or leased in such transactions does not exceed one million euro (€1,000,000), or any other amount whether less or more than one million euro (€1,000,000) as may be established by the Minister by regulations issued under this Act; and

(c) does not employ or contract other persons in the conduct of his business;

"partnership" includes a commercial partnership formed and registered under the Companies Act or a civil partnership as provided for in Title X of Part II of Book Second of the Civil Code; Cap. 386.
Cap. 16.

"property broker" or "immovable property broker" means any natural person who has a licence to act as an intermediary in the process of negotiating and carrying out transactions involving the acquisition, transfer or lease of land in terms of this Act and neither employs nor engages, whether under a contract of service or a contract for services, any branch manager and, or any property consultant and includes an occasional broker and a specific property consultant;

"property consultant" means any natural person who has a licence to act as an intermediary in the process of negotiating and carrying out transactions involving the acquisition, transfer or lease of land in terms of this Act and is employed or engaged, whether under a contract of service or a contract for

services, by an estate agent and who acts under the directions of the same or those of a branch manager;

"property market intermediary" includes a branch manager, a property broker, a property consultant, a real estate agent and any other licensee and "property market intermediary" shall be construed accordingly;

"real estate agent" means any natural person who has a licence to act as an intermediary in the process of negotiating and carrying out transactions involving the acquisition, transfer or lease of land and employs and, or engages, whether under a contract of service or a contract for services, one (1) or more branch managers and, or one (1) or more property consultants;

"Register" means the Register of Licence Holders issued to exercise the activity of property brokers, real estate agents, branch managers, property consultants, specific property consultants and occasional brokers, active on the date of publication, held by the Agency;

"specific property consultant" means a person employed or engaged by a developer to act as a property consultant specifically in respect of property developed by that developer.

PART II

The Property Market Agency

Establishment
of the Property
Market Agency.

3. (1) There shall be established a body to be known as the Property Market Agency.

(2) Subject to the provisions of this Act and of any other law, it shall be the function of the Agency to regulate the activities of property market intermediaries.

(3) Without prejudice to the generality of its functions provided for in sub-article (2), the Agency shall have the following duties and functions:

(a) to submit proposals and recommendations to the Government regarding national policy in relation to intermediaries in the property market with due consideration for the specific situation and requirements of Malta from time to time, but in any case not later than five (5) years from the last proposals and, or recommendations;

(b) to issue standards in respect of brokerage and related services, in the property market;

(c) to participate in any discussions leading to development planning and, or economic policies;

(d) to monitor the real estate market, directly by encouraging and coordinating research and by commissioning, and where the Agency deems necessary, publish such research, surveys or other professional studies;

(e) to act as regulator and to implement any function related to the property market which may be assigned to it in accordance with any law;

(f) to organise and promote educational campaigns related to the property market and in particular to consumer protection in relation to the said market;

(g) to promote and co-ordinate the training of persons working as property intermediaries;

(h) to give advice on the property market as the Minister may from time to time request;

(i) to undertake periodic reviews of educational programmes and structures related to the activities of property market intermediaries, and where the Agency deems necessary to publish such analysis, in order to recommend improvements in such programmes and in policies and to identify sources for the training of persons in relevant fields of activity so as to ensure the continuous availability of suitably qualified personnel;

(j) to administer any budgetary allocation as may be assigned to it for purposes related to the property market or such other purposes as may be linked to such budgetary allocation;

(k) to promote effective communication and coordination with government entities and private organizations involved in the formulation of policies related to the activities of the property market;

(l) to identify overseas developments related to property market and which are of direct interest and relevance to Malta;

(m) to set up databases and obtain access to international databases in the property market field, not later than three (3) years from the coming into force of this Act, and ensure that such databases are continuously updated;

(n) to act as a contact point with respect to various

regional, interregional and international organizations and to organize participation in seminars, conferences and in action groups and working groups of relevance to Malta's interests in the field of activity of the Agency;

(o) to set up networks of professional persons and organizations to assist in the formulation of policies, and the implementation of programmes, and to monitor areas of importance related to the property market of interest to Malta;

(p) to carry out any other function not covered by this sub-article related to the activities of the property market as may be delegated to it by the Minister;

(q) carry out any other function ancillary or conducive to the functions, duties and aims of the Agency.

(4) The Agency shall be a body having a distinct legal personality and shall be capable, subject to the provisions of this Act, to enter into contracts, to hold and dispose of property of any kind for the purpose of its functions, to sue and be sued and to enter into all such other transactions as are incidental or conducive for the proper performance of its functions.

(5) The Agency shall consist of a Board and of a Directorate.

(6) The legal and judicial representation of the Agency shall vest in the Chairperson:

Provided that the Board may appoint the Executive Head or any one (1) or more of the members of the Directorate staff to appear in the name and on behalf of the Agency in any judicial proceedings and in any act, contract, public deed, instrument or other document whatsoever.

(7) Any document purporting to be an instrument made or issued by the Agency and signed by the Chairperson on behalf of the Agency shall be received in evidence, and shall unless the contrary is proved, be deemed to be an instrument made or issued by the Agency.

Board of the
Agency.

4. (1) The Board of the Agency shall be composed of a Chairperson and four (4) to eight (8) other members appointed by the Minister from amongst persons who in the opinion of the Minister have experience and knowledge in the field of activity of the Agency, or other regulatory experience, or other regulatory experience of non-governmental associations, or in the exercise of the legal profession of advocate, or persons who in the opinion of the Minister represent the wide perspective of the various opinions of the stakeholders in the

sector.

(2) One (1) of the members of the Board of the Agency shall be appointed by the Minister as Deputy Chairperson. The Deputy Chairperson shall have all the powers and perform all duties of the Chairperson during the absence of the Chairperson or during any period when the Chairperson cannot perform his functions for any other cause, or during any vacancy in the office of the Chairperson.

(3) The Board may act notwithstanding any vacancy in its composition or during the absence of any member as long as the Chairperson or the Deputy Chairperson and any two (2) other members are present.

(4) A person shall not be eligible to be appointed, or to continue to hold office, as a member of the Board if he is:

(a) interdicted or incapacitated;

(b) has been declared bankrupt; or

(c) has been found guilty in Malta or abroad of an offence liable to a punishment of imprisonment of more than one (1) year other than an offence of an involuntary nature.

(5) For the purpose of sub-article (4)(c), a person who has been found guilty of an offence as specified in sub-article (4)(c) shall still be disqualified to hold office notwithstanding that any punishment awarded has been suspended, or such person has been conditionally released, or put under probation without the infliction of any punishment or such person has been sentenced according to the Probation Act without the infliction of any punishment.

Cap. 446.

(6) The members of the Board, including the Chairperson and the Deputy Chairperson, shall be appointed for a term of three (3) years and may be reappointed.

(7) The members of the Board shall receive such remuneration as the Minister may determine upon their appointment.

(8) The Minister shall appoint a person to act as Secretary to the Board.

5. (1) The Board shall be responsible to establish the policy to be adopted by the Agency in the exercise of its functions under this Act in consultation with the Minister and it shall also have the functions established in this article.

Functions of the Board.

(2) The Board shall be responsible to ensure that the Agency carries out its functions in accordance with this Act and in accordance with any policy established by it.

(3) The Board may from time to time, where it thinks fit, make general rules for the guidance of the Agency in the exercise of its functions under this Act, and may at any time revoke or vary such rules.

(4) The Board shall also verify and approve the accounts of the Agency and the draft estimates and the financial plans of the Agency, prepared by the Executive Head before their final submission to the Minister in accordance with this Act.

(5) The Board shall be kept informed by the Executive Head on the general running of the Agency.

The Directorate. **6.** (1) The Directorate of the Agency shall consist of the Executive Head, Senior Managers and such other officers and employees of the Agency as may be engaged by the Agency from time to time.

(2) The Executive Head shall be in charge of the overall management and executive action of the Agency and shall keep the Board informed on the general running of the Agency and of the result of the operations of the Agency. The Executive Head shall be, in particular but without prejudice to the generality of the foregoing, responsible for the carrying out by the Agency of the functions assigned to it under Part III to Part X of this Act.

(3) The Executive Head shall be appointed by the Minister, after consultation with the Board, for such period and on such terms as the Minister may, in consultation with the Board, determine.

(4) The Senior Managers and the other officers and employees of the Directorate shall be selected by the Executive Head and engaged by the Agency in accordance with the applicable terms and procedures.

(5) The Agency may also act by means of such contractors as it may from time to time engage:

Provided that such contractors shall at all times act in accordance with such instructions as may be given to them by the Executive Head.

Cap. 9. (6) The Executive Head and the Directorate staff shall for all purposes of the Criminal Code be considered as public officers, and shall be afforded all protection and may incur all liability as such.

(7) The Executive Head and the Directorate staff shall, subject to any contrary provision in this Act or in any other law, abide by any code of ethics applicable to public officers:

Provided that the Board may not be precluded in any manner from making further rules regulating the conduct of the Executive Head and of the Directorate staff to supplement any such Code of Ethics.

7. (1) The Board shall meet at least ten (10) times a year so however that the Board shall ensure that the period of time between one meeting and another shall not exceed eight (8) weeks. Other meetings of the Board shall be convened as may be necessary. Meetings of the Board.

(2) The Secretary to the Board shall take minutes of decisions at its meetings. The minutes shall be signed by the Secretary and the Chairperson.

(3) The meeting of the Board shall be chaired by the Chairperson or in his absence by the Deputy Chairperson.

(4) Decisions of the Board shall be adopted by a simple majority of votes of the members present and voting, and in the event of an equality of votes the Chairperson, or where the meeting is presided by the Deputy Chairperson, the Deputy Chairperson shall have and exercise a second or casting vote. The quorum at Board meetings shall consist of three (3) members.

(5) The Executive Head shall be entitled to attend the meetings of the Board and to take part in the discussions. The Board may invite any other member of the Directorate staff to attend meetings of the Board and to participate in the discussions. The Executive Head and any member of the Directorate staff taking part in any discussion of the Board shall not have a vote in the meetings in which they participate:

Provided that the Chairperson may, if he considers it proper to do so, at any time exclude the Executive Head or any member of the Directorate staff invited to attend at a meeting of the Board from any meeting or part thereof.

(6) Any participation in a meeting of the Board of a person not entitled to be present shall not invalidate the proceedings of the meeting nor shall such proceedings be invalidated if it is subsequently discovered that a person acted in good faith as a member and a defect in his appointment or qualification is afterwards discovered.

(7) A week's notice shall be given to the members of the Board of any meeting thereof:

Provided that in case where an urgent situation arises and decisions are to be taken forthwith, decisions taken by at least two (2) members of the Board, one (1) of whom being the Chairperson or the Deputy Chairperson shall be valid as if taken by a meeting of the Board regularly convened with proper notice.

(8) Subject to the other provisions of this Act, the Board shall regulate its own proceedings.

Staff appointments.

8. Without prejudice to the other provisions of this Act, the appointment of officers and other employees of the Agency shall be made by the Agency. The terms and conditions of employment shall be established by the Agency with the concurrence of the Minister.

Appointment and functions of officers and employees of the Agency.

9. The Agency shall appoint and employ, at such remuneration and upon such time terms and conditions as it may determine, such officers and employees of the Agency as may, from time to time, be necessary for the due and efficient execution of the functions of the Agency.

Detailing of public officers for duty with the Agency.

10. (1) The Prime Minister may, at the request of the Agency, from time to time direct that any public officer shall be detailed for duty with the Agency in such capacity and with effect from such date as may be specified in the Prime Minister's order.

(2) The period during which an order shall apply to any officer specified therein shall, unless the officer retired from the public service, or otherwise ceases to hold office at an earlier date, or unless a different date is specified in such order, cease to have effect after one (1) year from the effective date of such order unless the order is revoked earlier by the Prime Minister.

Status of public officers detailed for duty with the Agency.

11. (1) Where an officer is detailed for duty with the Agency in accordance with the provisions of article 10, such officer shall, during the time in which such order has effect in relation to him, be under the authority and administrative control of the Agency but he shall for other intents and purposes remain and be considered and treated as a public officer.

(2) Without prejudice to the generality of sub-article (1), an officer detailed for duty:

(a) shall not during the time in respect of which he is so detailed:

(i) be precluded from applying for a transfer to an Agency of the Government in accordance with the terms and conditions of service attached to his appointment with

the Government at a date on which he is so detailed for duty; or

(ii) be so employed that his remuneration and conditions of his service are less favourable than those which are attached to the appointment under the Government held by him at the date aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Agency; and

(b) shall be entitled to have his service with the Agency considered as service with the Government for the purposes of any pension, gratuity or benefit under the Pensions Ordinance and, or the Widows' and Orphans' Pensions Act, and of any other right or privilege to which he would be entitled, and liable to any liability to which he would be liable, but for the fact of his being detailed for duty with the Agency.

Cap. 93.

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(3) Where an application is made as provided in sub-article (2)(a)(i) the same consideration shall be given thereto as if the applicant had not been detailed for service with the Agency.

(4) The Agency shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Agency as aforesaid during the period in which he is so detailed.

12. (1) The Agency may, with the approval of the Prime Minister, offer to any officer detailed for duty with the Agency in accordance with the provisions of article 10 permanent employment with the Agency at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

Offer of permanent employment with the Agency to public officers detailed for duty with the Agency.

(2) The terms and conditions included in any offer made shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

(3) Every officer who accepts permanent employment with the Agency offered to him in accordance with the provisions of sub-article (1) shall, for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, and saving the provisions of sub-article (6), be deemed to have ceased to be in service

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with the Government and to have entered into service with the Agency on the date of his acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to him, service with the Agency shall be deemed to be service with the Government within the meanings thereof respectively.

Cap. 58.

(4) Every such officer who, immediately before accepting permanent employment with the Agency, was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder for all intents as if his service with the Agency were service with the Government.

(5) The Agency shall pay to the Government such contributions, as may from time to time be determined by the Minister responsible for finance, in respect of the cost of pensions and gratuities earned by an officer who has accepted performance of employment with the Agency in accordance with this article during the period commencing on the date of such officer's acceptance.

(6) (a) For the purposes of this article posts and salary grades with the Agency shall be classified in the closest corresponding grades and incremental levels in the service with the Government of Malta by reference to job description, skills, responsibilities and other analogous factors.

(b) The classification referred to in paragraph (a) shall be carried out by a board composed of a Chairperson appointed by the Ministry responsible for finance and two (2) other members, one (1) appointed by the Ministry centrally responsible for personnel policies in the public service and one (1) appointed by the Agency. The classification shall be subject to the final approval of the Minister responsible for finance.

(c) Such classification shall take place within three (3) months of any adjustment of salaries of employees in Government service and, or of employees of the Agency.

(d) No post shall be classified in a grade higher than that of Grade 3 in the service of the Government or other grade that the Minister responsible for finance, may from time to time, by notice in the Gazette determine.

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(e) Without prejudice to article 113 of the Constitution, no person may, following a classification, be entitled to rights in accordance with the Pensions Ordinance less favourable than those to which he would have been entitled to prior to such classification.

13. The financial year of the Agency shall commence on the 1st of January and end on 31st of December: Financial year.

Provided that the first financial year of the Agency shall commence on the date of coming into force of this Act and shall end on the 31st day of December of the following year.

14. (1) The Executive Head shall, not later than sixteen (16) weeks before the end of each financial year, submit to the Board estimates of the income and expenditure of the Agency for the following financial year. Estimates and expenditure.

(2) In the preparation of such estimates the Agency shall endeavour to ensure that the sums to be allocated to the Agency are at least sufficient to meet all sums properly chargeable to its income and expenditure accounts including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made in such form, and shall contain such information and such comparisons with previous years, as the Board may direct.

(4) Not later than three (3) weeks from the receipt of such estimates from the Executive Head, the Board shall consider such estimates and shall transmit the same with, or without amendments to the Minister for his approval.

(5) Before the end of the financial year, the Minister shall approve and adopt such estimates with or without amendments.

(6) If in respect of any financial year it is found that the amount so approved is not sufficient or a need has arisen for expenditure for a purpose not provided for in the estimates, the Executive Head shall cause supplementary estimates to be prepared and to be sent forthwith to the Board for transmission to the Minister for his approval, and in any such case the provisions of this article shall, as far as practicable, apply to the supplementary estimates.

15. The Minister may, acting in accordance with appropriation legislation, make advances and provide such funds to the Agency for carrying out its functions under this Act, in accordance with such estimates approved in accordance with article 14. Advances from the Government.

16. The Agency shall keep proper books of accounts. Such accounts shall be audited by auditors appointed by the Board with the concurrence of the Minister from among persons qualified to be appointed as auditors in accordance with the Accountancy Profession Act. Such accounts shall moreover be subject to audit by the Auditor Accounts and audit. Cap. 281.

General.

Annual report.

17. (1) The Board shall as soon as practicable, but not later than six (6) months after the close of each financial year, transmit to the Minister an annual report consisting of:

(a) a copy of the annual accounts certified by the auditors;

(b) a report on the operations of the Agency during the previous financial year; and

(c) any research, survey or other professional studies and analysis of educational programmes and structures related to the activities of intermediaries in the real estate market that the Agency deems necessary.

(2) The Minister shall, and in any case by not later than six (6) weeks after the receipt of the annual report of the Agency, or where the House is during that period not in session, not later than the second week after the House reconvenes, ensure that the annual report is laid on the Table of the House and the House shall, if a request is made by at least one member of the House within thirty (30) days after it is so laid, discuss the annual report during a dedicated parliamentary sitting which shall be held within a period of sixty (60) days after the said laying.

PART III

Licensing of Real Estate Agents, Property Brokers, Branch Managers and Property Consultants

Licensing requirement.

18. (1) The activity of a property broker or real estate agent consists of acting as an intermediary in the process of negotiating and carrying out transactions involving the acquisition or transfer or lease of land, including when the said activity is carried out through the engagement or the employment of a branch manager or a property consultant or specific property consultant.

(2) No person shall exercise the activity of a property broker or real estate agent or be employed or engaged as a branch manager or property consultant or specific property consultant unless such person is in possession of a valid licence issued under this Act:

Provided that specific property consultants shall be required to obtain a licence in terms of this Act, in cases where the Minister may so establish by regulations issued under this Act.

(3) Notwithstanding the other provisions of this Act, a person registered with the Agency as an occasional broker shall not require a

licence in accordance with this Act to act as an occasional broker:

Provided that such person shall, prior to his involvement whatsoever in any transaction, still be required to request approval from the Agency prior to the commencement of any activity in the form prescribed by the Agency for the purpose of informing the Agency of the intention to carry out such occasional activity and to provide any other information which the Agency may require:

Provided further that the Agency shall ensure that an occasional broker provides the Agency with information on the number and value of transactions on an annual basis and, or on an *ad hoc* basis as the Agency may deem necessary:

Provided further that the registration of any such person as an occasional broker shall only be valid for a period of one (1) calendar year and may be renewed by the Agency, unless there exists a valid reason for the Agency to determine otherwise, and provided that it is shown to the satisfaction of the Agency that any such person has during the period of his registration conformed with the requirements set out in this Act, in the exercise of his trade as an occasional trader.

(4) Where a real estate agent or a property broker intends to carry out his activity with some other person, they shall form a partnership, having as its main object the activity envisaged under sub-article (1), and they shall seek the authorisation of the Agency prior to the commencement of activity.

(5) (a) Any person who fails to comply with the provisions of this article shall be liable to an administrative penalty not exceeding twenty thousand euro (€20,000) to be imposed by the Agency;

(b) Any real estate agent, or developer of real estate who employs or engages any property consultant, or specific property consultant or branch manager who acts in breach of this article shall also be personally liable for such breach and for the payment of an administrative penalty as is provided for in paragraph (a).

19. (1) Any person is eligible to obtain a licence to act as a property broker or real estate agent or a branch manager provided such person:

Eligibility for licences.

(a) has attained the age of eighteen (18) years or has been emancipated to trade in accordance with article 9 of the Commercial Code; and

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(b) holds a certificate in real estate having as its subject matter the legal, financial, technical and communication aspects

related to real estate, its marketing and sale, at a minimum of twelve (12) ECTS at level four (4) of the Malta Qualifications Framework attained from a fully licensed training institution by the National Commission for Further and Higher Education; or

(c) holds any other qualifications which the Malta Qualifications Recognition Information Centre recognises as being equivalent:

Provided that where the Agency considers the equivalence of the qualifications to be only partial, the applicant may provide alternative evidence as a proof of his competence which the Agency may deem satisfactory or otherwise.

(2) Any person is eligible to act as a property consultant or as a specific property consultant, provided such person:

(a) has attained the age of eighteen (18) years or has been emancipated to trade in accordance with article 9 of the Commercial Code; and

(b) holds a certificate in real estate having as its subject matter the legal, financial, technical and communication aspects related to real estate, its marketing and sale, at a minimum of eight (8) ECTS at level four (4) of the Malta Qualifications Framework attained from a fully licensed training institution by the National Commission for Further and Higher Education; or

(c) holds any other qualifications which the Malta Qualifications Recognition Information Centre recognizes as being equivalent:

Provided that where the Agency considers the equivalence of the qualifications to be only partial, the applicant may provide alternative evidence as proof of his competence which the Agency may deem satisfactory or otherwise.

(3) Notwithstanding sub-articles (1) and (2), no person shall apply for, or obtain, or be eligible to hold a licence, or for the renewal of a licence, in accordance with this Act if:

(a) he is interdicted or incapacitated in terms of civil law or is bankrupt and has not obtained the order of discharge issued by the competent Court, or if he has obtained the order of discharge, it is suspended for a term which has not yet expired or is subject to conditions which are not yet fulfilled; and

(b) he does not present a certificate of conformity issued

by the Commissioner for Tax and Customs; or

(c) having regard to the applicant's conduct and repute, his financial position and the interests of the public, the applicant is not a fit and proper person to carry out the activity of property broker or real estate agent or to act as branch manager, property consultant, or specific property consultant.

(4) The Minister, after consulting the Agency, may by regulations establish:

(a) the minimum subject matter requirements of any courses or other training leading to the granting of a certificate in real estate in terms of this article;

(b) the minimum subject matter requirements of any continuous professional development organised in respect of estate agents, property brokers, branch managers, property consultants or specific property consultants;

(c) the level or length of experience which a person shall require in order to be exempt from producing formal qualifications or from undergoing further training in order to be eligible to continue to perform any activity which requires a licence under this Act; and

(d) the content of any aptitude test to which a person exercising an activity which requires a licence in accordance with this Act may be required to sit for.

20. (1) Every person who intends to obtain a licence in accordance with this Act shall submit an application to the Agency in the prescribed form. Application for a licence.

(2) Every application under sub-article (1):

(a) shall declare the locations of activity where the applicant intends to carry out the activity; and

(b) shall, where the applicant has or proposes to have two (2) or more locations of activity, specify which of those locations of activity is to be his principal place of activity.

(3) Real estate agents or property brokers who intend to carry out their activity through a partnership in compliance with the provisions of article 18(4) shall submit an application to the Agency in the prescribed form.

(4) Every application under sub-article (3) shall declare:

(a) the official full name and registration number of the partnership;

(b) the date of incorporation or registration of the partnership;

(c) the registered address or principal place of activity of the partnership;

(d) the names and identity reference numbers of all directors, partners, company secretary and beneficial owners; and

(e) the licence number of any licence holders.

(5) The Agency shall authorise the exercise of the activity as envisaged under article 18(4) upon being satisfied that:

(a) the requirements of article 18(4) have been complied with; and

(b) having regard to all directors, partners, company secretary and the beneficial owners' conduct and repute, their financial position, and the interests of the public, all directors, partners, company secretary and beneficial owners are fit and proper persons to be involved in a partnership which has as its main object the activity envisaged under article 18(1).

(6) There shall be no change in beneficial ownership, in the board of directors or partners or company secretary of a partnership where such is required under any other law, formed for the purpose of sub-article 18(4), unless the said change is notified to the Agency in the prescribed form and the Agency, gives its approval thereto upon being satisfied that the criteria set out in articles 18(4) and 20(5) are satisfied.

(7) In case of a change in beneficial ownership, in the board of directors or partners, or company secretary of a partnership where such is required under any other law, formed for the purpose of article 18(4), the partnership may not resume its activity unless such changes are approved by the Agency.

(8) When the Agency decides to refuse a request for an approval of a change as provided for in sub-article (6), the Agency shall inform the applicant and state in the notice the grounds for the decision.

(9) The Agency shall also be informed whenever:

(a) any one (1) director or partner or company secretary or beneficial owner of a partnership formed for the purposes of sub-article (4) of article 18 resigns or is otherwise removed; or

(b) it is resolved or otherwise decided that a partnership formed for the purposes of the said sub-article (4) of article 18 is to be dissolved and consequently wound up.

21. (1) The applicant shall submit to the Agency a copy of his application together with such other information and documentation filed in support of the application or which may be requested by the Agency to reach a determination relative to the said application. The Agency shall acknowledge receipt of a complete application without delay and shall process the application within two (2) months:

Notice of application and determination.

Provided that when the Agency requires more time to process the application or requires further documentation, the Agency may extend the processing time established under sub-article (1) by further periods:

Provided further that when an extension of time is required, the Agency shall notify the applicant without delay.

(2) The Agency shall determine whether the applicant satisfies the criteria of eligibility to be awarded a licence or authorisation.

(3) (a) When issuing a licence or authorisation the Agency may subject such licence or authorisation to any conditions as it may deem appropriate and objectively justified. The conditions of a licence or authorisation may be varied or revoked, from time to time, by the Agency and new conditions may also be so imposed. Before varying or revoking the conditions of a licence or authorisation and before imposing new conditions the Agency shall grant the licence holder an opportunity to make submissions about the proposed variation, revocation or imposition of proposed new conditions;

(b) licences and other authorisations issued in accordance with this Act may be made subject to the payment of fees as may be established by the Minister with the concurrence of the Minister responsible for finance by regulations made in accordance with this article:

Provided that in establishing the said fees the Minister with the concurrence of the Minister responsible for finance may specify that the Agency shall be the sole user of revenue collected from the said fees and that such revenue shall be used to defray costs incurred

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by the Agency to properly establish, operate, maintain and promote its obligations or any part thereof.

(4) When the Agency decides to refuse a request to issue a licence or authorisation, it shall inform the applicant and state in the notice the grounds for the decision.

(5) Without prejudice to the preceding articles, when for justified and valid reasons the Agency is unable to reach a decision within a time period stipulated in this Act or in any regulations made thereunder the said time period shall be extended for further periods each of which shall not exceed two (2) months. The applicant shall be informed of any such extension.

Effect of
licence.

22. (1) No licence holder shall exercise the activity of an intermediary in the process of negotiating or carrying out transactions involving the acquisition, transfer, or lease of land in terms of this Act under any name unless the name has first been approved by the Agency.

(2) An applicant for a licence or a licence holder may, at any time apply in writing to the Agency to approve a name for the purposes of sub-article (1), which name shall not be approved if the Agency considers that the name closely resembles the name of any other person, firm, or company exercising the activity as a licensed property broker or real estate agent in or outside Malta which is likely to deceive, or that the name is that of any person, firm, or company.

(3) The Agency shall issue a licence document to a licence holder in accordance with this Act. The identity document shall contain a photograph of the licence holder and such other information as the Agency may deem necessary. The said information shall include, *inter alia*, the name, the licence type, registration number and term of validity. The identity document shall remain the property of the Agency and shall be returned to the Agency on the suspension or revocation of a licence issued under this Act.

(4) The licence holder has the obligation to indicate the licence registration number when he advertises, promotes or negotiates any property.

(5) Any licence holder who breaches the provisions of sub-article (1) or of sub-article (2) shall be liable on conviction, to an administrative penalty of not more than twenty thousand euro (€20,000) to be imposed by the Agency.

Expiration and
renewal of
licence.

23. A licence shall, unless it is revoked earlier in accordance with the provisions of this Act, remain valid until the expiration of five (5)

years from when it is issued, and shall be renewed after the expiration of the said period unless there are grounds not to renew the licence as provided under this Act.

24. (1) The Agency shall refuse to renew a licence on any of the following grounds: Refusal to renew a licence.

(a) the licence holder is found to be in breach of any provision specified under this Act;

(b) the licence holder has permitted any person, other than a licence holder in terms of this Act, to act as his representative in the exercise of his activity;

(c) having regard to the character or fitness and propriety of licence holders, it is not in the public interest that the licence be renewed;

(d) the licence holder failed to undertake a set minimum of hours of continuing professional development set by the Agency during the preceding five (5) years;

(e) the licence holder failed to pay any fees or other dues payable to the Agency in accordance with this Act;

(f) the licence holder does not present a certificate of conformity issued by the Commissioner for Tax and Customs.

(2) When the Agency decides not to renew a licence, the Agency shall inform the licence holder by notice in writing giving reasons for its decision.

25. (1) A licence holder may at any time surrender his licence by forwarding a written notice to that effect, together with the identity document, to the Agency. Surrender, suspension or cancellation of a licence.

(2) Licence holders may at any time notify the Agency that they do not intend to keep operating through a partnership as envisaged under article 18(4) by forwarding a written notice to that effect to the Agency.

(3) The Agency shall list on the notice the date on which it receives the notice, and the licence or authorisation shall as from that date, cease to have effect.

(4) The surrender of a licence or authorisation under this article shall not affect the licence holder's or partnership's liability, as the case may be:

(a) to pay any fees or other dues payable to the Agency in accordance with this Act on or before the date on which the licence would, but for its surrender, expire;

(b) to perform any obligation required to be performed under this Act on or before that date;

(c) for any act done or default made before the date on which the licence or authorisation ceased to have effect; and

(d) where the Agency receives reports from any other agency, including from authorities responsible for safety and enforcement of any other obligation that the licence holder may be subject to;

(5) A licence or authorisation may be cancelled or suspended by the Agency in any of the following instances:

(a) where the Agency determines that the licence holder no longer fulfils or meets the requirements of, or has breached, any of the provisions of this Act or of any rules issued thereunder, or has failed to satisfy or comply with any obligation or condition to which the licence is subject by virtue of, or under this Act;

(b) where any beneficial owner, member of the board of directors or partner, or company secretary of a partnership formed for the purpose of article 18(4), where such is required under any other law, no longer meets the conditions set out in article 20(5);

(c) where a partnership formed for the purposes of article 18(4) is to be dissolved and consequently wound up;

(d) when the Agency receives any negative reports from any other Agency including other authorities responsible for the supervision and enforcement of any other obligations to which the exercise of the activity of any licensee may be subject.

(6) In the circumstances referred to in sub-article (5), the Agency may instead of the suspension or cancellation of a licence or authorisation, order the removal and replacement of any such person who may be involved in the partnership.

(7) When the Agency decides to suspend or cancel a licence or authorisation, the Agency shall inform the licence holder or licence holders by notice in writing giving reasons for its decision.

PART IV
Registration

26. (1) For the purpose of this Act, the Agency shall maintain an internal Register which shall be kept in a secure manner, and which shall include the following details: Register of
Licence
Holders.

(a) in the case of the issue of a licence, the name of the licence holder, the date on which the licence was issued, the term of validity, the type of licence issued and the registration number;

(b) in the case of real estate agents or property brokers exercising their activity through a partnership:

(i) the official full name and registration number of the partnership;

(ii) the registered address or principal place of activity;

(iii) the date of incorporation or registration of the partnership;

(c) where real estate agents employ or engage property consultants, an updated list including the details of all property consultants who are employed or engaged with the real estate agent;

(d) in the case of the renewal of a licence, the date on which the licence was renewed;

(e) in the case of the cancellation of a licence or certificate of approval or the suspension of a licence holder or holder of a certificate of approval, the date on which the cancellation or suspension was made;

(f) in the case of an occasional broker, the name of the occasional broker, the date on which the approval was issued by the Agency, the period of validity and the registration number:

Provided that the Agency shall only make publicly available that information which is strictly necessary to enable the public to verify whether an intermediary is licensed or authorised to operate.

(2) The Agency shall also, in respect of any registration, record such other particulars as may be required by this Act or, as may from

time to time, be prescribed.

(3) The Agency shall ensure that any personal data contained in the Register shall not be further processed in a manner that is incompatible with the purpose of this Act.

(4) The Agency shall provide the data subjects with all the information in relation to the processing of their personal data in accordance with article 13 and 14 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), which is necessary to ensure fair and transparent processing.

(5) The Agency shall amend the Register every three (3) months and shall seek to keep the information found therein accurate and continuously up-to-date as may be established by the Minister by means of regulations made under this Act.

Data Protection.

27. (1) Any processing of personal data by the Agency for the purpose of this Act shall fully comply with the provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) and the Data Protection Act, including the regulations made thereunder, and the right to the protection of personal data pertaining to natural persons.

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(2) The Agency, whilst taking into account the nature, scope, context and purposes of the processing, as well as the risks of varying likelihood and severity for the rights and freedoms of the data subjects, shall implement appropriate technical and organisational measures in an effective manner and integrate the necessary safeguards into the processing, in order to protect the rights of the data subjects and to ensure a level of security appropriate to the risk.

(3) For the purposes of ensuring and to be able to demonstrate compliance with all the principles relating to the processing of personal data as held in Article 5 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), the controller shall implement appropriate data protection policies, which policies shall be periodically reviewed and updated where necessary.

(4) The data protection officer designated by the Agency in accordance with Article 37 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) shall be involved and consulted properly and in a timely manner on all issues in relation to the processing of personal data.

PART V

Consumer shall be given Information, Brokerage shall be Declared, Annual Returns

28. Licence holders and occasional brokers shall inform the parties with regard to the fees that shall be charged for their services in advance: Fees.

Provided that if the licence holder or occasional broker were active during negotiations between the parties in such a manner as to entitle them to fair compensation despite the fact that the transaction was not finalised, such compensation shall be determined by a court.

29. (1) In every contract concluded after the 1st December 2024 whereby land is acquired, transferred or leased the parties shall declare whether or not the services of a real estate agent, a property broker, an occasional broker, a property consultant or a specific property consultant were engaged and whether brokerage is due in respect of the transaction, and if brokerage is so due, the parties shall identify the natural or legal person receiving or who shall receive brokerage fees. Brokerage shall be declared.

(2) Any party to a contract and any property broker, occasional broker, property consultant, specific property consultant or real estate agent, who acts in contravention of this article shall be liable to an administrative penalty of not more than ten thousand euro (€10,000) to be imposed by the Agency.

30. Every licence holder and registered partnership shall by not later than the 30th of June of each year file an annual return with the Agency on such form as the Agency shall prescribe indicating all transactions in respect of which the licence holder received brokerage fees during the previous calendar year: Annual return.

Provided that the first return under this article shall be due to be filed by the 30th of June 2025 in respect of brokerage fees received during the calendar year 2024.

PART VI
Special Powers of the Agency

Powers of
Executive Head
and authorised
officers.

31. (1) For the purposes of this Act, the Executive Head or an officer of the Agency authorised by him shall have the power, at any reasonable time:

(a) to enter and to inspect any area or premises in the execution of his functions under this Act;

(b) without prejudice to any obligation of professional secrecy under any other law, to require any person to answer any question and, or produce any records under that person's control concerning any activities relating to this Act carried out in any area or premises;

(c) to inspect, to extract, or to take any copy of any record relevant to the administration of this Act;

(d) to give any order under this Act that he may deem necessary;

(e) to refer any matter to the Board of the Agency.

(2) An authorised officer shall, when exercising a power delegated to him by the Executive Head under the provisions of this Act:

(a) provide an identification document issued by the Agency when requested by the owner or administrator of any area or premises under inspection; and

(b) give reasonable notice, unless such notice would defeat the objective of the intended exercise or inspection.

(3) The Executive Head and any officer of the Agency authorised by him, while exercising any power under this Act, may request the assistance of a police officer or of any other person as they may require.

Confidentiality.
Cap. 496.

32. Without prejudice to the provisions of the Freedom of Information Act, the members of the Board of the Agency, the Executive Head and the Agency's officers, employees and agents, whether still in service of the Agency or otherwise, shall treat any information and documents acquired in the performance of their duties or the exercise of their functions under this Act as confidential, and shall not disclose any information or document relating to the affairs of any licence holder or occasional broker, which they have acquired in

the performance of their duties or the exercise of their functions under this Act except:

- (a) for the purpose of the performance of their duties or the exercise of their functions under this Act;
- (b) before any competent court or tribunal in any proceedings to which the Agency is a party thereto or in any criminal proceedings unless such document is a privileged or confidential document which is exempt from disclosure before a court of law under the provisions of any other law;
- (c) to a public agency explicitly authorised to demand such information under any law;
- (d) for the purpose of the enforcement of any penalty imposed by the Agency under this Act; and
- (e) in the form of an aggregation of data or other statistical information, which in the opinion of the Agency does not lead to the identification of any specific person.

33. The members of the Board of the Agency, the Executive Head and the Agency's officers, employees and any person authorised to act on behalf of the Agency under this Act shall, when acting in the performance of their functions under this Act or under any regulations made thereunder, not be liable for any loss or damage suffered by any person by reason of anything done or omitted to be done by them in good faith in the course of the administration of this Act or of any regulations made thereunder.

Exclusion from liability.

PART VII

Power to make Regulations

34. The Minister may make regulations for the better carrying out of the provisions of this Act and such regulations may also provide for the better implementation of any other law which the Agency is entitled to enforce, for the elimination of difficulties or the setting of time frames and conditions, in respect of the implementation of such law and without prejudice to the generality of the foregoing, such regulations may make provision in respect of:

Power to make regulations.

- (a) any matter relating to the activities of property brokers, real estate agents, property consultants, specific property consultants, occasional brokers or persons acting as an intermediary in the process of negotiating or concluding transactions involving the purchase, sale, disposal or lease of land, even if on an occasional basis;

(b) the establishment of rules, conditions, codes of conduct and bye-laws in respect of the activities referred to in paragraph (a);

(c) the establishment of academic, training or other professional or aptitude requirements for the exercise of the activities referred to in paragraph (a);

(d) the granting of exemptions from any provisions of this Act in respect of specific activities or transactions or for a specified period of time or to enable transitory arrangements;

(e) the extension of the provisions of this Act to any activity related or being of substantially the same nature as the activities referred to in paragraph (a);

(f) regulating the procedure according to which it shall be determined whether an administrative penalty provided for in this Act or in any regulations made thereunder shall become due and for providing for the payment of administrative penalties by way of settlement of proceedings leading to the imposition of an administrative penalty as aforesaid;

(g) prescribing anything that may be prescribed under this Act.

PART VIII

Appeals from Decisions of the Agency

Right of appeal
to
Administrative
Review
Tribunal.

35. (1) The Administrative Review Tribunal shall be competent to hear and determine objections made by any person aggrieved by any decision of the Agency under this Act or under any regulations made thereunder:

Provided that, unless otherwise prescribed by law, an objection submitted in terms of this sub-article to the Administrative Review Tribunal shall be filed within twenty (20) days from the receipt of the Agency's decision.

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(2) There shall be a right of appeal in accordance with the provisions of Part IV of the Administrative Justice Act from decisions of the Administrative Review Tribunal under sub-article (1) and such appeal shall be to the Court of Appeal (Inferior Jurisdiction).

PART IX
Administrative Penalties

36. (1) Except as otherwise provided in this Act and without prejudice to any higher punishment to which a person acting in breach of any regulations made thereunder may be liable under any other law, any person acting in breach of the provisions of this Act or any regulations made thereunder shall be liable for the payment of an administrative penalty of not more than twenty thousand euro (€20,000).

General provision on offences and penalties.

(2) Any administrative penalty imposed in terms of this Act or any regulations made thereunder shall be recoverable as a civil debt by the Agency.

(3) Where the Agency requires to sue in court for the recovery of a debt due to it under this Act or any regulations made thereunder, the Executive Head or an officer duly authorised by him to act on behalf of the Agency, may make a declaration on oath before the court Registrar or before any other officer authorised to administer the oath in judicial matters, where he states the nature of the debt and the name of the debtor and confirms that it is due.

(4) The declaration referred to in sub-article (3) shall be served upon the debtor by means of a judicial letter and it shall have the same effect as a final judgement of the competent court unless the debtor shall, within a period of twenty (20) days from service upon him of the said declaration, oppose the claim by filing a court application demanding that the court declares the claim is unfounded.

(5) The court application filed in terms of sub-article (4) shall be served upon the Agency, which shall be entitled to file a reply within a period of twenty (20) days. The Court shall appoint the application for a hearing on a date after the lapse of that period.

(6) Any debts due to the Agency shall be prescribed by the lapse of the period of five (5) years from the date on which the debt was due.

(7) No licence and, or authorisation shall be issued or renewed in terms of this Act in favour of any person who has not yet settled any pending debts due to the Agency.

PART X
Transitory Provisions

37. The Real Estate Agents, Property Brokers and Property Consultants Act is hereby repealed without prejudice to anything done or still to be done thereunder and to the provisions of this Part.

Repeal and transitory provision. Cap. 615.

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Agency shall
succeed the
Licensing
Board.
Act No. XXVII
of 2024.
Cap. 615.

38. Subject to the provisions of the Property Market Agency Act, 2024, all laws, rules, regulations, orders, judgements, documents, warrants and working arrangements, subsisting immediately before the coming into force of the same Act, affecting the Licensing Board established under the Real Estate Agents, Property Brokers and Property Consultants Act shall have effect against or in favour of the Agency and shall be enforceable in its entirety as if, instead of the Licensing Board, the Agency had been named therein or had been a party thereto, as the case may be.

Continuation by
the Agency of
matters
involving the
Licensing
Board.
Act No. XXVII
of 2024.

39. (1) Where anything has been commenced by, or under the authority of the Licensing Board prior to the coming into force of the Property Market Agency Act, 2024 such matter may be carried on and completed by the Agency.

(2) Where upon the coming into force of this Act any legal proceeding is pending to which the Licensing Board is a party, or is entitled to be a party, the Agency shall be substituted for the Licensing Board in such proceedings, or shall be entitled to be a party thereto.

(3) The Minister may by order make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of securing and giving full effect to the transfer of any right or liability to the Agency by, or under this Act and may make such orders as may be necessary to make any powers and duties exercised by the Licensing Board exercisable by the Agency.

Repeal and
transfer of
subsidiary
legislation.
S.L. 615.01.
Act No. XXVII
of 2024.

40. (1) The Declaration of Intent Regulations are hereby repealed without prejudice to anything done or omitted to be done thereunder.

(2) Upon the coming into force of the Property Market Agency Act, 2024 the subsidiary legislation listed in the first column of the Schedule shall be deemed to have been made under the corresponding provisions of this Act, and shall be renumbered accordingly as specified in the third column of the said Schedule.

SCHEDULE
(Article 40(2))

Subsidiary Legislation deemed to have been made under this Act

Subsidiary Legislation	Current Numbering	New renumbering
Work Experience in Real Estate Regulations	S.L. 615.02	S.L. 644.01
Determination of Licensing Applications Regulations	S.L. 615.03	S.L. 644.02.

Passed by the House of Representatives at Sitting No. 258 of the
15th July, 2024.

DAVID AGIUS
Deputy Speaker

ELEANOR SCERRI
Clerk of the House of Representatives

VERŻJONI ELETTRONIKA