

MALTA

ATT Nru XXVIII tal-2019

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

ATT biex jipromwovi l-iżvilupp tas-settur tal-kera privata billi jiżgura standards ta' ġustizzja, kjaressa, u prevedibbiltà fir-relazzjoni kuntrattwali bejn sidien il-kera u kerrejja u sabiex jissalvagwardja u jipproteġi d-dritt ta' akkomodazzjoni adegwata, u sabiex jipprovdi dwar ħwejjeg ancillari jew konnessi ma' dan.

ACT No. XXVIII of 2019

AN ACT enacted by the Parliament of Malta.

AN ACT to promote the development of the private rented sector by ensuring standards of fairness, clarity and predictability in contractual relations between lessors and lessees and to safeguard and protect the right to adequate accommodation, and to make provision with respect to matters ancillary thereto or connected therewith.

Nagħti l-kunsens tiegħi.

(L.S.)

GEORGE VELLA
President

8 ta' Novembru, 2019

ATT Nru XXVIII tal-2019

ATT biex jipromwovi l-iżvilupp tas-settur tal-kerà privata billi jiżgura standards ta' ġustizzja, kjarizza, u prevedibbiltà fir-relazzjoni kuntrattwali bejn sidien il-kerà u kerrejja u sabiex jissalvagwardja u jipproteġi d-dritt ta' akkomodazzjoni adegwata, u sabiex jipprovdi dwar ħwejjeġ anċillari jew konnessi ma' dan.

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

ARRANĠAMENT TAL-ATT

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**TAQSIMA I
PRELIMINARI**

Titolu fil-qosor
u bidu fis-seħħ.

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2019 dwar il-Kirjiet Residenzjali Privati.

(2) Dan l-Att għandu jidhol fis-seħħ f'dik id-data li l-Ministru responsabbli għad-djar jista' b'avviż fil-Gazzetta jistabbilixxi, u jistgħu jigu stabbiliti dati differenti għal dispożizzjonijiet u għanijiet differenti.

Tifsir.

2. F'dan l-Att, sakemm ir-rabta tal-kliem ma teħtieġx xort'oħra:

Att Nru XXVIII
tal-2019.

"l-Att" tfisser l-Att tal-2019 dwar il-Kirjiet Residenzjali Privati;

Kap. 261.

"Awtorità" tfisser l-Awtorità tad-Djar imwaqqfa bl-artikolu 3 tal-Att dwar l-Awtorità tad-Djar;

Kap. 69.

"Bord" tfisser il-Bord li jirregola l-Kera kif stabbilit permezz tal-artikolu 16 tal-Ordinanza li tirregola t-Tiġdid tal-Kiri ta' Bini;

"kerrej" tfisser il-kerrej tal-fond, jew il-konjuġi jew is-sieħeb f'unjoni ċivili, il-koabitant jew membru tal-familja tiegħu sat-tieni grad, kemm dirett jew kollaterali;

"kiri ta' spazju residenzjali kondiviż" tfisser il-kiri ta' kwalunkwe spazju separat f'appartament jew bini, b'kumditajiet kondiviżi, bħal kċina u faċilitajiet tal-kamra tal-banju;

"kirja residenzjali privata" tfisser kwalunkwe kirja residenzjali privata twila jew qasira, inkluż il-kiri ta' spazju residenzjali kondiviż, li ssir wara l-1 ta' Jannar, 2020 u kwalunkwe kirja għal skop residenzjali li ssir qabel l-1 ta' Jannar, 2020 li jkun għadha fil-perjodu oriġinali jew imġedded fl-1 ta' Jannar, 2021;

"kirja residenzjali privata qasira" tfisser kwalunkwe kirja, innegozjata għad-durata ta' sitt (6) xhur, li hija maħsuba biex tissodisfa l-bżonn tal-kategoriji ta' kerrejja hekk kif ġej:

(a) ħaddiema mhux residenti li huma impjegati għal perjodu ta' inqas minn sitt (6) xhur jew biss biex itemmu komputu speċifiku f'perjodu massimu ta' sitt (6) xhur;

(b) studenti mhux residenti rreġistrati f'kors ta' inqas minn sitt (6) xhur;

(ċ) residenti li għandhom bżonn jikru residenza primarja alternattiva għal perjodu ta' inqas minn sitt (6) xhur;

(d) persuni mhux residenti li għandhom bżonn jikru fond għal perjodu ta' inqas minn sitt (6) xhur, iżda li ma jkunux qegħdin ifittxu li jstabilixxu r-residenza twila tagħhom f'Malta:

Iżda kuntratt ta' kirja residenzjali qasira għandu jidentifika l-kategorija speċifika li taħtha jikkwalifika l-kerrej u għandu jiġi awtentikat permezz ta' dokumentazzjoni mehmuża. Fin-nuqqas ta' kwalunkwe wieħed minn dawn ir-rekwiżiti, il-kuntratt għandu jitqies bħala wieħed ta' kirja residenzjali privata skont l-artikolu 8:

Iżda wkoll kwalunkwe kirja residenzjali privata qasira nnegozjata għal perjodu li jaqbeż is-sitt (6) xhur għandha wkoll tkun meqjusa bħala kirja residenzjali privata skont l-artikolu 8:

Iżda wkoll kirjiet residenzjali privati qosra ma jistgħux jiġu estiżi;

"kirja residenzjali privata twila" tfisser kwalunkwe kirja nnegozjata għal skop primarju ta' residenza skont l-artikolu 8 u li mhix kirja residenzjali privata qasira;

"Ministru" tfisser il-Ministru responsabbli għad-djar;

"Panel ta' Arbitraġġ" tfisser il-Panel ta' Arbitraġġ għal Kirjiet Residenzjali Privati kif stabbilit permezz tal-artikolu 23;

"residenza" tfisser fond mikri għal skop residenzjali primarju:

Iżda guest houses jew dormitorji ma għandhomx jitqiesu bħala residenza għall-iskop ta' dan l-Att:

Iżda wkoll fondi fil-gżira ta' Malta okkupati mir-residenti tal-gżira ta' Għawdex u Kemmuna minhabba impjieg jew edukazzjoni fil-gżira ta' Malta għandhom ukoll ikunu regolati b'dan l-Att. L-istess għandu japplika għar-residenti tal-gżira ta' Malta, li jokkupaw fondi fil-gżira ta' Għawdex u Kemmuna minhabba impjieg jew edukazzjoni fil-gżira ta' Għawdex u Kemmuna:

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Iżda wkoll li kwalunkwe proprjetà jew parti minn proprjetà uzata bhala residenza għandha tkun xierqa għall-abitazzjoni;

"turist" tfisser kwalunkwe persuna li, għal perjodu ta' mhux aktar minn sena (1) waħda konsekuttiva, tivvjaġġa lejn u toqgħod ġewwa postijiet li jinsabu barra mill-ambjent ordinarju tal-istess persuna u dan għal skop ta' divertiment, negozju jew għal xi raġuni personali oħra barra mill-għan illi wieħed jimpjega ruħu jew jistabilixxi n-negozju tiegħu fil-post illi jżur.

Applikabilità.

3. (1) Id-dispożizzjonijiet tal-Att għandhom japplikaw għal kirjiet residenzjali privati li dahlu fis-seħh jew ġew imgedda wara d-dhul fis-seħh tal-Att:

Kap. 16.

Iżda l-kirjiet li ngħataw wara l-1 ta' Ġunju, 1995, u li għandhom fis-seħh fil-ġurnata tad-dhul fis-seħh ta' dan l-Att għandhom ikompli jiġu regolati esklussivament mid-dispożizzjonijiet tal-Kodiċi Ċivili, ħlief għal dawk il-każijiet speċifikati taħt l-artikolu 5.

(2) Id-dispożizzjonijiet tal-Att ma għandhomx japplikaw għal:

(a) fondi li jappartjenu lill-Gvern ta' Malta:

Iżda dawk il-fondi li huma proprjetà ta' fondazzjonijiet privati mwaqqfa bl-iskop li jipprovdu akkomodazzjoni affordabbli ma għandhomx jiġu kkunsidrati bhala fondi li jappartjenu lill-Gvern;

(b) fondi mikrija lil kwalunkwe turist, esklussivament għal skopijiet ta' turizmu;

Kap. 409.

Iżda jekk il-proprjetà hija registrata bhala post furnished għal btala skont l-Att dwar Servizzi tal-Ivvjaġġar u tat-Turizmu għal Malta, l-Att għandu japplika xorta waħda jekk l-applikant ma jikkwalifikax bhala turist;

(ċ) fondi li mhumiex mikrija għal skop residenzjali primarju;

(d) fondi mikrija qabel l-1 ta' Ġunju, 1995.

(3) Id-dispożizzjonijiet tal-Att ma għandhomx japplikaw għall-kiri ta' fondi urbani fejn kuntratti ta' enfitewsi jew sub-enfitewsi kienu jew ser jiġu konvertiti f'kirjiet bis-saħħa tal-liġi.

TAQSIMA II
KUNTRATTI TAL-KIRI RESIDENZJALI PRIVATI

4. (1) Il-kuntratti kollha ta' kiri residenzjali privati li jsiru wara d-dhul fis-seħh tal-Att, inkluż it-tiġdid tagħhom, kemm jekk espress jew taċitu, għandhom jigu rreġistrati:

Obbligu ta' reġistrazzjoni ta' kuntratti ta' kirjiet residenzjali privati.

Iżda kuntratti ta' kirjiet residenzjali privati li mhumiex reġistrati skont id-dispożizzjonijiet tal-Att għandhom ikunu nulli u mingħajr effett.

(2) Għandu jkun dmir ta' sid il-kera li jirreġistra, fi żmien għaxart (10) ijiem mill-bidu tal-kirja, il-kuntratt ta' kiri residenzjali privat mal-Awtorità:

Iżda tali reġistrazzjoni għandha tkun soġġetta għal miżata amministrattiva imposta mill-Awtorità:

Iżda wkoll li r-reġistrazzjonijiet li jsiru aktar tard miż-żmien speċifikat fis-subartikolu (2) għandhom ikunu soġġetti għal miżata addizzjonali.

(3) Ir-reġistrazzjoni għandu jkollha effett retrospettiv mid-data tal-bidu tal-kirja.

(4) Jekk sid il-kera jonqos milli jikkonforma ruħu mal-obbligu stipulat fis-subartikolu (2), il-kerrej jista' jipproċedi sabiex huwa stess jirreġistra l-kuntratt tal-kera, bi spejjeż għal sid il-kera:

Iżda l-kerrej għandu jkollu d-dritt li jzomm parti mill-kera għall-iskop ta' rimborż tal-miżata amministrattiva mħallsa lill-Awtorità.

(5) Applikazzjoni għar-reġistrazzjoni taħt l-artikolu 4 ma tistax tkun relatata ma' aktar minn kirja residenzjali privata waħda (1).

(6) Applikazzjoni separata hija meħtieġa għal kull kirja residenzjali privata li hija maħluqa:

Iżda sid il-kera għandu jkun obligat jirreġistra t-tiġdid skont l-Att.

(7) Bħala parti mill-proċess ta' reġistrazzjoni, l-Awtorità tista' titlob lil sid il-kera sabiex jispeċifika n-numru ta' okkupanti li għandhom joqogħdu fil-fond:

Iżda tali figura għandha tintuża biss għal skopijiet statistiċi u ma għandhiex tkun invokata minn sid il-kera fi kwalunkwe azzjoni

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għat-terminazzjoni tal-kuntratt minhabba raġunijiet ta' sullokazzjoni kontra l-liġi:

Kap. 16. Iżda wkoll li tali figura għandha tkun mingħajr preġudizzju għad-drittijiet tal-kerrej taht l-artikolu 1615 tal-Kodiċi Ċivili.

(8) L-Awtorità għandu jkollha s-setgħa li tintroduċi u tinforza standards minimi ta' abitabbiltà għal fondi li jiġu offruti għall-kera:

Iżda r-registrazzjoni tal-kuntratt tal-kera mill-Awtorità, ma għandha bl-ebda mod titqies bħal ċertifikazzjoni tal-abitabbiltà ta' fond mikri.

Dispożizzjonijiet tranżitorji.

5. (1) Kirjiet residenzjali privati li saru wara l-1 ta' Ġunju, 1995, imma qabel id-dhul fis-seħħ tal-Att, u li xorta jibqgħu fis-seħħ fl-1 ta' Jannar, 2021, kemm jekk fit-terminu oriġinali jew imġedded tagħhom, għandhom jiġu rreġistrati:

Iżda l-obbligu tar-registrazzjoni għandu japplika wkoll għal kwalunkwe kirja li tiġġedded wara l-1 ta' Jannar, 2021.

(2) Għandu jkun id-dmir ta' sid il-kera li jirreġistra l-kuntratt ta' kiri residenzjali privat mal-Awtorità skont is-subartikolu (1) sal-1 ta' Jannar, 2021.

(3) F'każ ta' kunflitt bejn il-kuntratt irreġistrat u l-artikoli 7, 9, u 11, l-artikoli li jinsabu fl-Att għandhom jipprevalu.

(4) Ir-registrazzjoni ta' kirja skont is-subartikolu (1) għandha teħtieġ id-dikjarazzjoni ta' kull ammont iddepożitat mill-kerrej bħala garanzija skont l-artikolu 6(1)(b) u l-preżentazzjoni ta' inventarju skont l-artikolu 6(1)(ċ):

Iżda li jkun suffiċjenti li l-inventarju jafferma l-kondizzjoni tal-proprjetà fil-hin tar-registrazzjoni tal-kuntratt:

Kap.16.

Iżda wkoll li l-inkwilin ikun obligat li jipprovdi aċċess lil sid il-kera għall-finijiet ta' kumpilazzjoni ta' tali inventarju, u fin-nuqqas ta' ftehim bejn il-partijiet, sid il-kera jista' jippreżenta rikors skont il-proċedura stabbilita taht l-artikolu 1548A tal-Kodiċi Ċivili.

(5) Jekk sid il-kera jonqos milli jħares l-obbligu tiegħu stipulat fis-subartikolu (1), il-kerrej jista' jipproċedi sabiex jirreġistra l-kuntratt huwa stess, bi spejjeż għal sid il-kera:

Iżda l-kerrej ikollu d-dritt li jzomm parti mill-kera għall-iskop ta' rimborż tal-miżata amministrattiva mħallsa lill-Awtorità.

6. (1) Il-kuntratti kollha ta' kiri residenzjali privati magħmula wara d-dhul fis-seħħ tal-Att għandhom isiru bil-miktub u għandhom jinkludu r-rekwiżiti li ġejjin:

Rekwiżiti bil-miktub ta' kuntratt ta' kirja residenzjali privata.

- (a) il-fond li ser jinkera;
- (b) l-użu miftiehem tal-fond mikri;
- (c) iż-żmien li għalih dak il-fond ikun ser jinkera;
- (d) jekk dik il-kera tistax tiġġedded u kif;
- (e) l-ammont ta' kera u l-mod kif dan għandu jithallas;
- (f) kwalunkwe ammont iddepożitat mill-kerrej bhala garanzija għall-eżekuzzjoni tal-obbligi tiegħu; u
- (g) inventarju, fil-forma ta' evidenza dokumentarja, li jafferma l-kondizzjoni tal-fond kif ukoll l-istat ta' kwalunkwe għamara u apparat domestiku fornuti minn sid il-kera.

(2) Fin-nuqqas ta' wieħed (1) jew aktar minn dawn ir-rekwiżiti essenzzjali stabbiliti fis-subartikolu (1), il-kuntratt ma għandux ikun registrat, għalhekk għandu jkun null u mingħajr effett.

(3) Il-Ministru jista', wara konsultazzjoni mal-Awtorità, b'regolamenti jippubblika ftehim mudell ta' kirja residenzjali privata li jista' jintuża bhala bażi minn kull persuna li tidhol f'kuntratt ta' kirja residenzjali privata:

Izda l-Ministru għandu l-jedd ukoll li jippubblika formola standard li jkun fiha l-klawsoli msemmija fis-subartikolu (1) u li tista' tkun magħmula obligatorja għal kull persuna li tidhol f'kuntratt ta' kirja ta' residenza privata mhux skont il-ftehim mudell.

7. (1) Kwalunkwe waħda mill-klawsoli li ġejjin li tiddaħhal f'kuntratt ta' kirja residenzjali privata, għandha titqies li tkun bla effett:

Klawsoli pprojbiti.

- (a) klawsoli li jipprovdu għat-terminazzjoni awtomatika tal-kuntratt minbarra n-nuqqas ta' twettiq tal-obbligi tal-kerrej taht l-artikoli 1554, 1555, 1555A u 1614 tal-Kodiċi Ċivili jew in-nuqqas ta' osservanza ta' kwalunkwe waħda (1) mill-kondizzjonijiet tal-kirja li għalihom it-terminazzjoni giet espressament prevista:

Kap. 16.

Izda fejn il-kerrej jonqos milli jhallas b'mod puntwali l-kera dovuta, sid il-kera għandu dejjem isejjaħ lill-kerrej skont l-artikolu 1570 tal-Kodiċi Ċivili;

Kap. 16.

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(b) klawsoli li jawtorizzaw lil sid il-kera jnaqqas, mingħajr konsiderazzjoni ekwivalenti, kwalunkwe benefiċċji stipulati fil-kuntratt;

Kap.16.

(ċ) klawsoli li jeżentaw lil sid il-kera minn kwalunkwe waħda mir-responsabbiltajiet li huwa għandu fil-liġi, inklużi dawk previsti fl-artikoli 1545 u 1546 tal-Kodiċi Ċivili, mingħajr konsiderazzjoni ekwivalenti;

Kap. 398.

(d) klawsoli li jimponu l-ħlas ta' konsiderazzjonijiet addizzjonali, minbarra l-kera, id-depożitu, l-assigurazzjoni fuq il-kontenut tal-fond u kwalunkwe kontribut previst skont l-artikolu 11(4) tal-Att dwar il-Condominia:

Kap.16.

Iżda kwalunkwe spejjeż relatati mal-manutenzjoni ordinarja tal-partijiet komuni ta' kondominju għandhom ikunu limitati għal dawk id-dmirijiet li, skont il-Kodiċi Ċivili, huma a kariku tal-kerrej:

Iżda wkoll li l-kerrej jista' jitlob ir-restituzzjoni ta' kwalunkwe ammonti mhallsa indebitament;

(e) klawsoli li jimponu fuq il-kerrej kwalunkwe konsiderazzjonijiet addizzjonali għall-użu tal-mobbli, lil hinn mill-ħlas tal-kera għall-użu tad-dar:

Iżda l-kerrej jista' jitlob ir-restituzzjoni ta' kwalunkwe ammonti mhallsa indebitament;

(f) klawsoli li jistipulaw il-ħlas ta' ammont fiss, separat mill-kera, għall-konsum ta' dawl, ilma, jew servizz ieħor ta' utilità jekk dak l-ammont ma jirriflettix il-konsum attwali ta' servizzi ta' utilità bħal dawn mill-kerrej ikkalulat bir-rata li tirrifletti l-użu residenzjali primarju tal-fond u n-numru totali tal-okkupanti li jgħixu fih;

Kap. 16.

(g) klawsoli li jillimitaw l-użu li wieħed jistenna li jagħmel minn residenza, soġġett għall-osservanza tad-dispożizzjonijiet relatati mal-manutenzjoni u titjib li jinsabu fil-Kodiċi Ċivili u r-regoli tal-buon vicinat.

(2) Ir-registrazzjoni ta' kuntratt ta' kirja residenzjali privata mill-Awtorità ma għandhiex timplika l-validazzjoni ta' xi termini illegali li hemm fih.

Durata minima ta' kuntratt ta' kirja twila.

8. Kirja residenzjali privata twila ma tistax ikollha durata ta' inqas minn sena (1). Kull ftehim li jistipula perjodu iqsar għandu jitqies li ġie miftiehem għal perjodu ta' mill-inqas sena (1):

Iżda dan l-artikolu ma japplikax għal kirjiet residenzjali privati qosra jew il-kiri ta' spazju residenzjali kondiviż.

9. (1) Kirja residenzjali privata ma għandux jibqa' jkollha effett malli jiskadi t-terminu tagħha, kemm jekk dak it-terminu huwa konvenzjonali, legali jew gudidizzajru, sakemm is-sid tal-kera jagħti avviż lill-kerrej mill-inqas tliet (3) xhur qabel b'ittra rreġistrata:

Avviż ta' terminazzjoni ta' kirjiet residenzjali privati twal minn sid il-kera.

Iżda għall-finijiet li jipprova t-twettiq tal-obbligu tiegħu taħt is-subartikolu (1), għandu jkun biżżejjed biex sid il-kera jagħti evidenza li l-ittra rreġistrata giet mibgħuta fiż-żmien stipulat, u fl-indirizz it-tajeb.

(2) Jekk sid il-kera ma jinnotifikax lill-kerrej b'avviż ta' terminazzjoni fiż-żmien speċifikat, il-kirja residenzjali privata għandha titqies li giet imġedda għall-perjodu ieħor ta' sena (1):

Iżda fin-nuqqas tal-avviż ta' terminazzjoni minn sid il-kera, il-kera għandha tkompli tiġġedded.

(3) Dan l-artikolu ma għandux japplika għall-kirjiet residenzjali privati qosra jew għall-kiri ta' spazju residenzjali kondiviż.

10. Kirja residenzjali privata qasira ma jibqax ikollha effett bit-tħaddim tal-artikolu 1566 tal-Kodiċi Ċivili.

Terminazzjoni ta' kirjiet residenzjali privati qosra. Kap. 16.

11. (1) Il-kerrej ma jistax jirtira minn kirja residenzjali privata twila qabel ma jagħlaq iż-żmien ta':

Irtirar mill-kerrej fil-każ ta' kiri residenzjali privat twil.

(a) sitt (6) xhur f'każ fejn il-kirja hija għal perjodu ta' inqas minn sentejn (2);

(b) disa' (9) xhur f'każ fejn il-kirja hija għal perjodu ta' sentejn (2) jew aktar iżda inqas minn tliet (3) snin; jew

(ċ) tnax-il (12) xahar f'każ fejn il-kirja hija għal perjodu ta' tliet (3) snin jew aktar:

Iżda f'każ li l-kerrej jirtira minn kirja residenzjali privata twila qabel ma jagħlaq il-perjodu stipulat fis-subartikolu (1), sid il-kera jista' jzomm ammont ta' mhux aktar minn xahar (1) kera mid-depożitu ta' garanzija mħolli mill-istess kerrej, b'dan illi sid il-kera jista' dejjem ifittex lill-kerrej għal kwalunkwe ammont ieħor dovut minnu:

Iżda wkoll is-subartikolu (1) għandu jkun mingħajr preġudizzju għad-dritt ta' sid il-kera li jitlob għat-terminazzjoni tal-

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kirja fil-każ li l-kerrej jonqos milli jwettaq kwalunkwe wieħed (1) mill-obbligi tiegħu.

(2) Mill-iskadenza tal-perjodi msemmija fis-subartikolu (1) 'il quddiem, il-kerrej jista' jirtira fi kwalunkwe ħin billi jagħti avviż lil sid il-kera, b'ittra rreġistrata:

(a) mill-inqas xahar (1) qabel f'każ fejn il-kirja hija għal perjodu ta' inqas minn sentejn (2);

(b) mill-inqas xahrejn (2) qabel f'każ fejn il-kirja hija għal perjodu ta' sentejn (2) jew aktar iżda inqas minn tliet (3) snin; jew

(c) mill-inqas tliet (3) xhur qabel f'każ fejn il-kirja hija għal perjodu ta' tliet (3) snin jew aktar.

(3) Il-partijiet jistgħu jiftiehem li jstipulaw kondizzjonijiet aktar vantaġġużi għall-kerrej fir-rigward tal-irtirar tal-kirja.

(4) Ebda penali ma tista' tiġi imposta fuq il-kerrej talli jeżerċita d-drittijiet tiegħu ta' rtirar skont il-perjodi stipulati fis-subartikolu (1).

(5) Fin-nuqqas ta' notifika adegwata tal-avviż, il-kera għandha titqies li ma gietx terminata mill-kerrej:

Iżda għall-finijiet li jipprova t-twettiq tal-obbligazzjoni tal-kerrej taht is-subartikolu (2), għandu jkun biżżejjed biex il-kerrej jagħti evidenza li l-ittra rreġistrata giet mibgħuta fiż-żmien stipulat, u fl-indirizz it-tajjeb.

Irtirar mill-kerrej fil-każ ta' kirjiet residenzjali privati qosra.

12. (1) Il-kerrej ma jistax jirtira minn kirja residenzjali privata qasira qabel ma jgħaddi xahar (1).

(2) Wara li jiskadi l-perjodu msemmi fis-subartikolu (1), il-kerrej jista' jirtira fi kwalunkwe ħin minn kirja residenzjali privata qasira sakemm hu jagħti avviż minn qabel lill-kerrej ta' mill-inqas ġimgħa (1), b'ittra rreġistrata.

(3) Il-partijiet jistgħu jiftiehem li jstipulaw kondizzjonijiet aktar vantaġġużi għall-kerrej b'konnessjoni mal-irtirar tal-kirja.

(4) Ebda penali ma tista' tiġi imposta fuq il-kerrej talli jeżerċita d-drittijiet tiegħu ta' rtirar skont dan l-artikolu.

Kera.

13. (1) Il-kera għandha tkun stipulata liberament bejn il-partijiet.

(2) Sakemm ma jkunx miftiehem mod ieħor, il-ħlas tal-kera

għandu jitqies li gie kkalkulat għal xahar (1). Fl-ebda każ sid il-kera ma jista' jitlob il-ħlas bil-quddiem ta' kera ta' aktar minn xahar (1), sakemm ma jkunx miftiehem mod iehor bejn il-partijiet:

Iżda dan għandu jkun mingħajr preġudizzju għad-dritt ta' sid il-kera li jitlob ammont bħala garanzija, għall-eżekuzzjoni tal-obbligi tal-kerrej.

(3) Sid il-kera għandu jkun obligat li jagħti lill-kerrej irċevuta tal-ħlas, sakemm ma jkunx miftiehem li l-ħlas isir permezz ta' proceduri li kapaci jippruvaw l-issodisfar effettiv tal-obbligu.

14. (1) Iż-żidiet fil-kera jistgħu jsiru biss darba fis-sena. Fin-nuqqas ta' ftehim espress, il-kera ma tistax tiġi riveduta matul it-terminu tal-kirja. Zidiet
permissibbli.

(2) Żidiet annwali ma jistgħux jeċċedu l-varjazzjonijiet annwali rreġistrati fl-Indiċi tal-Prezzijiet tal-Proprietà ppubblikati mill-Uffiċċju Nazzjonali tal-Istatistika. Il-varjazzjoni annwali għandha tinftiehem bħala l-medja tal-erba' kwarti preċedenti rreġistrati sad-data taż-żieda.

(3) Iż-żieda prevista fis-subartikolu (2) ma tista' qatt teċċedi l-kera preċedenti b'aktar minn ħamsa fil-mija (5%).

(4) Jekk il-varjazzjoni annwali medja tkun negattiva, dan ma għandux jirriżulta fit-tnaqqis tal-kera.

15. (1) Kwalunkwe ftehim, kemm verbali jew bil-miktub, li jiddetermina xi kondizzjoni li ma tirriżultax bil-miktub u mill-kuntratt rreġistrat, għandu jitqies bħala null. Termini
kuntrarji għal-
liġi.

(2) Fil-każijiet imsemmija fis-subartikolu (1), il-kerrej jista' jitlob ir-restituzzjoni ta' xi ammonti mħallsa li jaqbz u l-ammont totali li jirriżulta mill-kuntratt bil-miktub u rreġistrat.

(3) Kwalunkwe klawsola maħsuba sabiex tidderoga d-durata kuntrattwali minima stabbilita bl-Att għandha tkun nulla u mingħajr effett.

16. (1) Kull kuntratt li jsir għal kiri ta' spazju residenzjali kondiviż għandu jkollu durata ta' sitt (6) xhur. Kiri ta' spazju
residenzjali
kondiviż.

(2) Il-kerrej jista' jirtira mill-kera, fi kwalunkwe hin, billi jagħti avviż ta' ġimgħa (1) qabel lil sid il-kera permezz ta' ittra rreġistrata.

(3) Ebda penali ma tista' tiġi imposta fuq il-kerrej talli jeżerċita d-drittijiet tiegħu ta' rtirar.

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(4) Il-kiri ta' spazju residenzjali kondiviż huwa wkoll soġġett għar-regoli tar-reġistrazzjoni taht l-artikolu 4.

Kap. 16.

(5) Kwalunkwe kirjiet ta' spazju residenzjali kondiviż ma jistgħux jiġġeddu u l-effett tagħhom għandu jintemm bl-operazzjoni tal-artikolu 1566 tal-Kodiċi Ċivili.

(6) Id-dispożizzjonijiet ta' hawn fuq għandhom japplikaw ukoll kemm jekk sid il-kera, jew il-kerrej f'każ ta' sullokazzjoni, jirrisjedu wkoll f'dik il-proprjetà.

(7) L-Awtorità għandu jkollha s-setgħa li tintroduċi u tinforza standards ta' sikurezza u sigurtà fir-rigward ta' fondi li huma mikrija lil aktar minn familja waħda (1), inkluż regoli li jillimitaw in-numru ta' persuni li jistgħu jokkupaw dak il-fond f'daqqa.

Servizzi ta' ilma u elettriku.

17. (1) Sid il-kera huwa marbut li jiżgura forniment adegwat ta' dawl u ilma kull meta fond, jew parti minnu, huwa mikri għal skop residenzjali:

L.S. 545.01.
L.S. 545.03.

Iżda dan l-artikolu għandu jkun mingħajr preġudizzju għad-dritt tal-fornitur li jissospendi l-forniment tad-dawl u l-ilma taht ir-Regolamenti fuq il-Provvista tal-Elettriku u r-Regolamenti dwar il-Fornitura tal-Ilma f'każ ta' nuqqas ta' ħlas ta' kont jew fejn dawn is-setgħat huma speċifikament riżervati liċ-Chairman tal-operatur tas-sistema ta' distribuzzjoni tal-elettriku jew tal-Water Services Corporation skont kif ikun il-każ.

(2) Sid il-kera huwa marbut li jirrikonoxxi n-numru ta' persuni li qegħdin jgħixu fil-fond għall-fini li jikkalkula t-tariffa korretta applikabbli għal forniment tad-dawl u l-ilma, u biex jagħti lill-kerrej aċċess għad-dettalji tal-kont relattiv għall-fond mikri:

Iżda li l-obbligi ta' sid il-kera taht dan is-subartikolu għandhom ikunu mingħajr preġudizzju għal possibiltà tal-kerrej li japplika għar-rikonoxximent temporanju tiegħu bħala konsumatur mill-fornitur tas-servizz u biex jassumi responsabbiltà għall-ħlas ta' kontijiet relattivi mal-fond mikri, f'ismu.

(3) Kwalunkwe ammonti addizzjonali mgarrba mill-kerrej b'riżultat tan-nuqqas ta' sid il-kera f'li jonora l-obbligi tiegħu kif stipulati fis-subartikolu (2) għandhom jiġu rkuprati mill-kerrej:

Iżda l-kerrej jista' jzomm parti mill-kera dovuta għall-iskop ta' rimborż ta' dawn l-ispejjeż.

(4) Il-kerrej għandu jiżgura li ebda arretrati tas-servizzi tad-dawl u l-ilma ma huma pendenti fir-rigward tal-perjodu tal-kera:

Iżda n-nuqqas ta' ħlas tal-kontijiet tad-dawl u l-ilma matul kwalunkwe perjodu tal-kera għandu jitqies bħala nuqqas parzjali u għandu jintitola lil sid il-kera li jitlob il-ħall tal-kuntratt skont l-artikolu 1570 tal-Kodiċi Ċivili:

Kap. 16.

Iżda wkoll l-inkwilin ma għandux ikun marbut li jhallas servizzi ta' utilità sakemm ma jkunx provdut b'kopja tal-kont, sakemm ma jkollux aċċess dirett għalih.

18. (1) Inkwilin moruż, li jibqa' jokkupa l-fond mikri lil hinn mill-iskadenza tat-titolu tiegħu, għandu jkun obligat iħallas lil sid il-kera ammont ekwivalenti għall-kera sad-data tal-iżgumbrament effettiv mill-proprietà.

Żamma ta' fond mikri mill-inkwilin.

(2) Talba għall-kumpens tista' ssir simultanjament mat-talba għat-terminazzjoni tal-kirja u, jew ta' żgumbrament tal-kerrej mill-fond mikri.

(3) Xejn kontenut fis-subartikolu (1) ma għandu jipprekludi dritt ta' sid il-kera li jottjeni kumpens għal kwalunkwe ħsara ikbar.

TAQSIMA III MONITORAĠĠ U INFURZAR

19. (1) Minkejja d-dispożizzjonijiet ta' xi liġi oħra, għall-finijiet ta' verifika dwar jekk xi fond huwiex qed jiġi okkupat għal skop residenzjali minn kwalunkwe persuna jew persuni li ma jkunux is-sidien tal-fond u li jkunu qed jokkupaw il-fond mingħajr titolu validu ta' kiri, għar-raġuni biss li l-kuntratt tal-kiri ma jissodisfax ir-rekwiżiti *ad validitatem* bil-miktub tal-kuntratt ta' kiri jew li għalkemm jissodisfa r-rekwiżiti *ad validitatem* bil-miktub ma ġiex registrat skont id-dispożizzjonijiet tal-Att, iċ-Chairperson tal-Awtorità u kull uffiċjal, impjegat jew kull persuna oħra li tista' tiġi awtorizzata miċ-Chairperson għal dan l-iskop, u jekk mitlub miċ-Chairperson bl-assistenza tal-Korp tal-Pulizija, għandu jkollu s-setgħa li jidhol fil-fond privat, f'kull ħin raġunevoli sabiex jispezzjona l-fond, jew jivverifika jekk il-fond huwiex qed jiġi okkupat minn xi persuna, jew li jieħu xi ritratti wara li jidhol jew jitlob xi informazzjoni legittima minn kwalunkwe okkupant ta' dak il-fond:

Dritt ta' dħul.

Iżda dan l-aċċess għandu jkun jeħtieġ minn qabel il-ħruġ ta' mandat iffirmit minn Maġistrat.

(2) Għall-finijiet ta' kwalunkwe investigazzjoni dwar il-ksur ta' xi dispożizzjoni oħra tal-Att, iċ-Chairperson tal-Awtorità u kull uffiċjal, impjegat jew kull persuna oħra li tista' tiġi awtorizzata miċ-Chairperson għal dan l-iskop, għandu jkollu l-istess dritt taħt is-subartikolu (1), iżda mhux qabel ma jingħata avviż lill-okkupant ta'

mill-anqas erbgħa u għoxrin siegħa (24) qabel id-dhul fil-fond.

(3) Kull persuna awtorizzata skont is-subartikolu (1) għandha tipproduċi mezz ta' identifikazzjoni maħruġ mill-Awtorità u b'hekk tkun awtorizzata tidhol fil-fond.

(4) Jekk xi persuna tagħmel kwalunkwe rapport falz dwar ksur ta' kwalunkwe mid-dispożizzjonijiet tal-Att, meta tkun taf li huwa falz, għandha tehel priġunerija għal żmien ta' mhux iżjed minn tliet (3) xhur jew multa ta' mhux iżjed minn ħames mitt euro (€500) jew dik il-priġunerija u dik il-multa flimkien.

Proċedura ta' infurzar.

20. (1) Jekk l-Awtorità jidhrilha illi xi fond ikun okkupat għal skop residenzjali minn xi persuna jew persuni li ma jkunux is-sidien tal-fond u li jkunu qed jokkupaw il-fond mingħajr titolu validu ta' kera, għar-raġuni biss li l-kuntratt tal-kiri ma jissodisfax ir-rekwiziti *ad validitatem* bil-miktub f'kuntratt ta' kiri jew li għalkemm jissodisfa r-rekwiziti *ad validitatem* bil-miktub ma ġiex registrat skont id-dispożizzjonijiet tal-Att, hawn aktar 'il quddiem fl-Att imsejha "okkupazzjoni mingħajr titolu", iċ-Chairperson, jew kwalunkwe uffiċjal awtorizzat minnu, għandu johroġ avviż ta' infurzar lill-persuna jew persuni li jkunu kkonċedew it-tgawdija tal-fond mingħajr ma fformalizzaw ir-relazzjoni tagħhom skont il-liġi:

Iżda l-ebda avviż ta' infurzar ma għandu jinħareġ fir-rigward ta' kwalunkwe kuntratt ta' kiri li jkun sar validament qabel id-dhul fis-seħħ tal-Att, salv għad-dispożizzjonijiet tal-artikolu 5 tal-Att.

(2) L-Awtorità għandha, f'każ ta' okkupazzjoni mingħajr titolu kif imsemmi fis-subartikolu (1), tirrikjedi lil min ikun qed jikkonċedi t-tgawdija tal-fond mingħajr titolu, sabiex jikkonforma mar-regoli stabbiliti fl-Att f'dak iż-żmien speċifikat mill-Awtorità.

(3) Fl-infurzar tat-termini tas-subartikolu (2), l-Awtorità tista':

(a) tordna lil min ikun qed jikkonċedi t-tgawdija tal-fond mingħajr titolu sabiex jikkonforma mal-obbligi kontenuti fl-Att għal perjodu minimu ta' sena (1) u b'kera li ma teċċedix il-ħamsa u sebgħin fil-mija (75%) tal-valur tal-kera tal-fond; jew

(b) jekk ftehim bil-miktub skont it-termini tal-Att diġà jeżisti bejn il-partijiet, u l-Awtorità tqis li dawn il-kondizzjonijiet huma konformi mal-kondizzjonijiet medji tas-suq, titlob lil min ikun qed jikkonċedi t-tgawdija tal-fond mingħajr titolu, jirreġistra dan il-ftehim skont l-artikolu 4:

Iżda l-konformità ma' kwalunkwe waħda (1) minn

dawn it-talbiet ma għandhiex tippregudika d-dritt tal-Awtorità milli tiegħu azzjoni ulterjuri skont l-artikolu 22:

Iżda wkoll għall-finijiet biex jiġi stabbilit il-valur tal-kera tal-proprjeta, l-Awtorità għandha tqabba perit sabiex jassistiha:

Iżda wkoll kopja tar-rapport tal-perit għandha dejjem tingħata lil min ikun qed jikkonċedi t-tgawdija tal-fond mingħajr titolu.

21. (1) Mingħajr preġudizzju għal kwalunkwe rimedju ieħor skont l-Att, f'każ li persuna li tkun ġiet notifikata b'avviż ta' infurzar taħt l-artikolu 20 tonqos milli tikkonforma ma' kwalunkwe mir-rekwiżiti ta' tali avviż fiż-żmien hemmhekk speċifikat, l-Awtorità tista' tippreżenta rikors quddiem il-Bord fejn titlob li, jekk il-Bord ikun sodisfatt li teżisti okkupazzjoni mingħajr titolu skont is-subartikolu 20(1), għandu jkun konkluz kuntratt bil-miktub għal perjodu ta' tliet (3) snin b'kera li ma teċċedix il-ħamsa u sebgħin fil-mija (75%) tal-valur tas-suq tal-kera tal-fond.

Rimedju
addizzjonali
lill-okkupant
mingħajr titolu.

(2) Waqt li s-smiġħ tar-rikors ipprezentat skont is-subartikolu (1) ikun pendent, il-Bord jista' jordna l-ħlas ta' kwalunkwe ammont favur min ikun qed jikkonċedi t-tgawdija tal-fond mingħajr titolu bħala kumpens għall-okkupazzjoni tal-istess fond:

Iżda r-rimedju taħt is-subartikolu (1) ma għandux japplika f'każ ta' okkupazzjoni mingħajr titolu ta' spazju residenzjali kondiviz:

Iżda wkoll jekk teżisti evidenza biżżejjed sabiex tiddetermina li l-ammont maqbul għall-okkupazzjoni mingħajr titolu jkun inqas minn ħamsa u sebgħin fil-mija (75%) tal-valur tas-suq tal-kera tal-fond, il-kera għandha tiġi ffissata fuq l-ammont maqbul bejn il-partijiet.

22. (1) Kull persuna li:

Reati.

(a) tinstab tikkonċedi kwalunkwe fond, jew kwalunkwe spazju separat fih, għal skop residenzjali, li ma jkunx skont id-dispożizzjonijiet tal-Att;

(b) tfixkel, tostakola, timmolesta jew tindaħal, jew tipprova tfixkel, tostakola, timmolesta jew tindaħal lil xi uffiċjal jew impjegat tal-Awtorità, jew xi uffiċjal tal-pulizija, jew kwalunkwe uffiċjal pubbliku, fl-eżekuzzjoni tad-dmirijiet tiegħu skont il-liġi, jew tonqos milli tikkonforma ma' xi rekwiżiti raġunevoli magħmula lilha minn kwalunkwe mill-istess persuni

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msemmija hawn qabel jew b'mod iehor tonqos milli tassistih fit-twettiq tal-imsemmija dmirijiet, jew xjentement tforni lil dik il-persuna b'informazzjoni falza jew titraskura jew tirrifjuta li tagħti kull informazzjoni meħtieġa għall-iskop hawn qabel imsemmi; jew

(ċ) tagħmel dikjarazzjoni għal kwalunkwe wiehed (1) mill-għanijiet tal-Att li hija falza, qarrieqa jew mhix korretta f'xi haġa materjali,

għandha tkun hatja ta' reat kontra l-Att u għandha tehel, meta tinstab hatja, multa ta' mhux inqas minn elfejn u hames mitt euro (€2,500) u ta' mhux aktar minn għaxart elef euro (€10,000):

Iżda jekk man-notifika tal-avviż ta' infurzar taht l-artikolu 20, il-persuna li tkun instabet hatja li kisret it-termini tal-Att tipproċedi biex tikkonforma mat-talba tal-Awtorità fiż-żmien stipulat mill-Awtorità, il-multa ma għandhiex tkun aktar minn hamest elef euro (€5,000).

Kap. 9. (2) Il-proċedimenti kontra kull persuna għal xi reat kif imsemmi fis-subartikolu (1) għandhom jittiehdu quddiem il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex), skont il-każ, bhala qrati ta' ġudikatura kriminali skont id-dispożizzjonijiet tal-Kodiċi Kriminali:

Kap. 9. Iżda, minkejja d-dispożizzjonijiet tal-artikolu 376(1)(b) tal-Kodiċi Kriminali, il-qorti għandha, fuq talba tal-prosekuzzjoni jew tal-akkużat, tniżżel ix-xhieda tax-xhieda bil-mod provdut fl-artikolu

Kap. 9. 390(6) tal-Kodiċi Kriminali jew fi kwalunkwe liġi fis-seħħ f'dak iż-żmien.

TAQSIMA IV PANEL ta' ARBITRAĠĠ GĦAL KIRJIET RESIDENZJALI PRIVATI

Twaqqif ta' Panel ta' Arbitraġġ għal kirjiet residenzjali privati.

23. (1) Għandu jkun hemm Panel ta' Arbitraġġ għal kirjiet residenzjali privati hawn iżjed 'il quddiem imsejjaħ "Panel ta' Arbitraġġ".

(2) Il-Panel ta' Arbitraġġ għandu jkollu l-ġurisdizzjoni esklussiva sabiex jiddeċiedi tilwim relatat ma' kirjiet residenzjali privati li għalihom japplika l-Att sakemm it-talba ma teċċedix il-valur ta' hamest elf euro (€5,000) li jinvolvu kwistjonijiet imsemmija:

Kap. 16. (a) fl-artikoli 1540, 1541, 1542, 1543, 1545, 1546, 1548, 1556, 1559, 1561, 1562, 1563 u 1564 tal-Kodiċi Ċivili sakemm dawn ma jinkludux talba għat-terminazzjoni tal-kirja;

(b) fl-artikolu 17 sakemm it-tilwima hija biss bejn sid il-kera u l-kerrej; u

(ċ) kull tilwima rigward iż-żamma jew rimborż ta' kull ammont li jiġihalla b'mod ta' depożitu ta' garanzija kif indikat taħt l-artikolu 6(f):

Iżda talba magħmula skont l-artikoli msemmija fis-subartikolu (2) tista' wkoll tiġi inkluża f'talbiet jew eċċezzjonijiet oħra magħmula quddiem il-Bord, fi kwalunkwe azzjoni li taffettwa kirjiet residenzjali privati, li fuqhom il-Panel ta' Arbitraġġ ma għandux ġurisdizzjoni, inkluż fejn it-talba hija magħmula għat-terminazzjoni tal-kirja jew għall-iżgumbrament ta' kwalunkwe persuna mill-kirja:

Iżda wkoll il-Panel ta' Arbitraġġ għandu jisma' biss talbiet relattivi ma' kuntratti rreġistrati.

(3) L-amministrazzjoni u l-organizzazzjoni tal-Panel ta' Arbitraġġ u l-kontroll amministrattiv tal-uffiċjali u l-impjegati tiegħu għandhom ikunu r-responsabbiltà ta' Chairperson tal-Awtorità.

24. (1) Il-Panel ta' Arbitraġġ għandu jikkonsisti minn dan li ġej:

Kompożizzjoni tal-Panel ta' Arbitraġġ.

(a) Chairperson, li jkun persuna li pprattikat bħala avukat għal mhux inqas minn tliet (3) snin; u

(b) tnejn (2) sa erba' (4) professjonisti ta' pożizzjoni rikonoxxuta magħżula minn fost persuni ta' integrità magħrufa u li għandhom għarfien u l-esperjenza fis-settur ta' proprjeta' immobbli.

(2) Il-membri kollha li jkunu fuq kull panel, inkluż iċ-Chairperson u d-deputat Chairperson, għandhom jiġu maħtura mill-President ta' Malta, li jaġixxi skont il-parir tal-Prim Ministru.

(3) Il-membri tal-Panel ta' Arbitraġġ għandhom jinhatru għal terminu ta' hames (5) snin u, f'għeluq it-terminu, ma għandhomx ikunu eliġibbli għal hatra mill-ġdid.

(4) Iċ-Chairperson u l-membri tal-Panel ta' Arbitraġġ għandhom jirċievu dik ir-rimunerazzjoni li l-Ministru jista' jiddetermina minn żmien għal żmien.

(5) Persuna ma għandhiex tkun eliġibbli biex tinhatar jew li żzomm il-kariga tagħha bħala Chairperson jew bħala membru tal-Panel ta' Arbitraġġ jekk:

(a) hija membru tal-Kamra, tal-kunsill lokali jew tal-Parlament Ewropew; jew

(b) hija involuta fi kwalunkwe negozju li għandu bħala l-għan tiegħu l-iżvilupp ta' proprjetà immobbli jew il-kiri ta' proprjetà immobbli:

Iżda attività professjonali limitata għad-disinn ta' binjiet u s-superviżjoni tal-kostruzzjoni tagħhom m'għandhomx jinftiehem bħala impenn f'xi negozju ta' żvilupp ta' proprjetà immobbli; jew

(ċ) f'xi waqt għabet ruħha b'mod li jitfa' dubju fuq il-kompetenza jew il-kapaċità tagħha jew il-maturità tal-ġudizzju tagħha; jew

(d) ikollha interess finanzjarju jew interess ieħor li x'aktarx jaffettwa b'mod preġudizzjali t-twettiq tal-funzjonijiet tagħha; jew

(e) xort'oħra mhix persuna kompetenti u xierqa biex ikollha din il-kariga.

(6) Kull membru tal-Panel ta' Arbitraġġ jista' jirriżenja mill-kariga tiegħu permezz ta' ittra indirizzata lill-President.

(7) Fl-eżerċizzju tal-funzjonijiet tiegħu taħt l-Att, membru tal-Panel ta' Arbitraġġ ma għandux ikun soġġett għall-kontroll jew id-direzzjoni ta' kwalunkwe persuna jew awtorità oħra. L-aġġudikatur ma jistax jitnehħa mill-kariga hliel bil-mod u għar-raġunijiet previsti fl-artikolu 97(2) tal-Kostituzzjoni, u kull liġi jew regolament magħmul skont l-artikolu 97(3) tal-Kostituzzjoni għall-iskopijiet tal-artikolu 97(2) għandu japplika *mutatis mutandis* għall-proċedura tal-preżentata ta' indirizz u għall-investigazzjoni u prova dwar l-inkapaċità jew imġiba hażina ta' aġġudikatur skont id-dispożizzjonijiet ta' dan l-artikolu.

(8) Membri tal-Panel ta' Arbitraġġ għandhom ikunu soġġetti għall-Kodiċi ta' Etika għall-Membri tal-Ġudikatura mfassal mill-Kummissjoni għall-Amministrazzjoni tal-Gustizzja skont l-artikolu 101A(11)(d) tal-Kostituzzjoni, u rapporti jew allegazzjonijiet ta' dawn il-ksur għandhom jiġu investigati mill-Kummissjoni għall-Amministrazzjoni tal-Gustizzja.

25. Id-dispożizzjonijiet tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili rigward ir-rikuża u l-astensjoni tal-maġistrati, u d-distribuzzjoni tad-doveri tagħhom għandhom, *mutatis mutandis* japplikaw ukoll għal kull membru tal-Panel ta' Arbitraġġ.

26. (1) Kull talba preżentata quddiem il-Panel ta' Arbitraġġ għandha ssir bil-miktub. Mod ta' lment.

(2) It-talba mressqa skont is-subartikolu (1) għandha tiġi notifikata lill-konvenut, li għandu d-dritt li jippreżenta twegiba bil-miktub quddiem il-Panel ta' Arbitraġġ fi żmien għaxart (10) ijiem.

27. Il-Panel ta' Arbitraġġ għandu jagħti sentenza fl-iqsar żmien possibbli imma mhux aktar tard minn hamest (5) ijiem tax-xogħol mid-data tal-aħħar sottomissjoni mill-partijiet, ix-xhieda jew l-esperti, skont il-każ. Deċiżjoni.

28. Il-Panel ta' Arbitraġġ għandu jkollu s-setgħa, eżerċitabbli permezz taç-Chairperson jew mill-persuna hekk awtorizzata miç-Chairperson, li: Taħrik tax-xhieda.

(a) iħarrek ix-xhieda;

(b) jieħu parir ta' esperti;

(c) jitlob lil kwalunkwe persuna li tidher li jkollha għarfien speċjali tal-kwistjoni taħt konsiderazzjoni sabiex tagħti b'mod orali u bil-miktub tali partikolaritajiet f'dak ir-rigward kif il-Panel ta' Arbitraġġ jista' jeħtieġ;

(d) jeħtieġ aċċess għall-bini.

29. (1) Kull investigazzjoni tal-Panel ta' Arbitraġġ għandha titwettaq fil-privat. Proċedimenti.

(2) Il-Panel ta' Arbitraġġ jista' jisma' jew jikseb informazzjoni minghand dawk il-persuni li jidhirlu xieraq, u jista' jagħmel dawk l-inkjesti li jidhirlu xieraq. Ma għandux ikun neċessarju li l-Panel ta' Arbitraġġ jagħmel xi seduta ta' smiġh:

Iżda seduta ta' smiġh għandha tinzamm mill-Panel ta' Arbitraġġ jekk titqies li hija meħtieġa mill-Panel ta' Arbitraġġ:

Iżda wkoll il-konvenut għandu jkollu d-dritt li jippreżenta kemm dikjarazzjoni tad-difiża kif ukoll kwalunkwe kontrotalba skont l-Att.

(3) Jekk fi kwalunkwe hin matul l-investigazzjoni l-Panel ta' Arbitraġġ jidhirlu li huwa neċessarju li jinstemgħu kwalunkwe sottomissjonijiet orali, il-Panel tal-Arbitraġġ għandu joħroġ avviż ta' smiġh lill-partijiet u għandu jsejjaħ lil persuni li l-Panel ta' Arbitraġġ iqis li huma rilevanti għall-investigazzjoni, biex jidhru quddiemu u jitlobhom li jagħtu kwalunkwe evidenza jew jipproduċu kwalunkwe dokument fil-pussess tagħhom, kif jidhirlu meħtieġ:

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Iżda li tahrifa għall-attendenza quddiem il-Panel ta' Arbitraġġ għandha tkun iffirmata miċ-*Chairperson* tal-Panel ta' Arbitraġġ:

Iżda wkoll li tahrifa tista' tiġi notifikata bl-idejn jew bil-posta reġistrata.

Appell. **30.** (1) Kull persuna li tħossha aggravata b'deċiżjoni mill-Panel ta' Arbitraġġ tista' tappella fuq punt ta' liġi lill-Qorti tal-Appell magħmula minn imħallef (1) wieħed biss skont l-artikolu 41(9) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

Kap. 12.

(2) L-appell għandu jiġi ppreżentat fi żmien għoxrin (20) jum mid-data tad-deċiżjoni tal-Panel ta' Arbitraġġ.

Kap. 12. (3) Il-Qorti tal-Appell għandha tkun magħmula skont l-artikolu 41(9) tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

TAQSIMA V MIXXELLANJI

Reġistru tan-nuqqasijiet. **31.** (1) Ir-reġistru tal-Panel ta' Arbitraġġ għandu jżomm reġistru ta' sentenzi finali kollha relatati ma' nuqqasijiet kuntrattwali li huma deċiżi mill-Panel ta' Arbitraġġ, mill-Bord u mill-Qorti tal-Appell u reati bi ksur tal-artikolu 85 tal-Kodiċi Kriminali fir-rigward ta' żgumbramenti arbitrarji jew sfurzati ta' okkupanti ta' proprjetajiet mikrija, inkluż kerrejja *de facto*.

Kap. 9.

(2) Aċċess għal dan ir-reġistru jingħata lis-sidien tal-kera jew kerrejja prospettivi li għandhom l-intenzjoni li jiffirmaw ftehim ta' kirja residenzjali privata:

Iżda l-informazzjoni relatata ma' kwalunkwe deċiżjonijiet ġudizzjarji jew quasi-ġudizzjarji mogħtija kontra l-kontroparti tkun rilaxxata biss mal-preżentazzjoni ta' abbozz ta' ftehim ta' kiri, li jidentifika l-partijiet kontraenti.

(3) Persuni inklużi fir-reġistru jistgħu jitolbu l-kancellazzjoni ta' isimhom mit-tali reġistru mal-preżentazzjoni ta' evidenza li kwalunkwe dejn jew arretrati li għalihom kienu jinstabu haġja jew le.

(4) Kull rekord ta' kull persuna li jkun hemm fir-reġistru msemmi f'dan l-artikolu għandu jiġi awtomatikament ikkancellat wara li jgħaddu tliet (3) snin mid-dhul ta' dak ir-rekord.

Kap. 586.

(5) Il-proċeduri relatati mar-reġistru msemmi f'dan l-artikolu kif ukoll mal-kontenut tiegħu għandhom jibqgħu, fi kwalunkwe każ, soġġetti għall-Att dwar il-Protezzjoni u l-Privatezza tad-Data u għar-

Regolament (UE) 2016/679 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).

32. (1) Fl-eżerċizzju tal-funzjonijiet tiegħu taħt l-Att dwar l-Awtorità tad-Djar, iċ-Chairperson tal-Awtorità jista' jagħmel talba bil-miktub lil awtorità pubblika li permezz tagħha jitlob biss id-dettalji meħtieġa relatati mal-persuna jew proprjetà kkonċernata.

Kondiviżjoni ta' data. Kap. 261.

(2) Meta jagħmel talba taħt is-subartikolu (1), iċ-Chairperson tal-Awtorità għandu jipprovdi r-raġuni għal dik it-talba u l-funzjoni li qiegħda tiġi eżerċitata taħt l-Att.

(3) L-awtorità pubblika rikjesta għandha ttiprovdi liċ-Chairperson tal-Awtorità l-informazzjoni mitluba msemmija fis-subartikolu (1) fi żmien ħmistax-il (15) ġurnata:

Iżda iċ-Chairperson tal-Awtorità għandu jzomm rekord tat-talba tiegħu, inklużi d-dati meta t-talba kienet sottomessa u meta tali data giet ipprovduta jew miċħuda mill-awtorità pubblika:

Iżda wkoll awtorità pubblika għandha tirrifjuta t-talba taċ-Chairperson jekk ma tkunx tippossjedi l-informazzjoni rikjesta, jew jekk it-talba tmur kontra l-liġi, ma tkunx kompluta jew tkun sproporzjonata għall-għan imfittex.

33. Xejn fl-Att m'għandu jippreġudika l-applikazzjoni tal-Att dwar il-Protezzjoni u l-Privatezza tad-Data jew ir-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).

Protezzjoni tad-data. Kap. 586.

34. Il-Ministru jista' jagħmel regolamenti biex jagħti effett aħjar lid-dispożizzjonijiet tal-Att, u bla ħsara għall-ġeneralità tas-setgħa tiegħu msemmija hawn qabel jista', permezz ta' regolamenti, jippreskrivi kull haġa u jipprovdi għal dak kollu li jista' jkun jew għandu jkun provdut, u jipprovdi għal kull materja konsegwenzjali, inċidentali, jew konnessa mad-dispożizzjonijiet ta' dan l-Att.

Setgħa tal-Ministru biex jagħmel regolamenti.

**TAQSIMA VI
EMENDI KONSEGWENZJALI**

Emenda għall-
Kodiċi
Kriminali.
Kap. 9.

35. Fit-tieni proviso tas-subartikolu (1) tal-artikolu 85 tal-Kodiċi Kriminali, il-kliem "ta' wiehed innifsu jew ta' haddiehor." għandhom jiġu sostitwiti bil-kliem "ta' wiehed innifsu jew ta' haddiehor:" u minnufih wara għandu jiżdied il-proviso ġdid li ġejj:

"Iżda f'każijiet ta' żgumbramenti arbitrarji jew sfurzati ta' okkupant mill-proprjetà li huwa jokkupa bħala r-residenza primarja tiegħu, inkluż kwalunkwe dħul mhux permess fil-proprjetà, it-tnehhija ta' għamara, apparat domestiku jew affarijiet personali mill-proprjetà, jew is-sospensjoni jew interruzzjoni ta' servizzi tad-dawl u tal-ilma, b'kull mod, inkluża l-istallazzjoni ta' apparati li jippermettu lis-sid jissospendi l-provvista diretta tas-servizzi tad-dawl u tal-ilma lill-proprjetà, il-multa ma għandhiex tkun inqas minn elf u hames mitt euro (€1,500) u mhux aktar minn erbat elef euro (€4,000)."

Emendi għall-
Kodiċi ta'
Organizzazz-
zjoni u
Proċedura
Ċivili.
Kap. 12.

36. Minnufih wara l-paragrafu (h) tal-artikolu 253 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, għandu jiżdied il-paragrafu ġdid li ġejj:

"(i) Deċiżjonijiet tal-Panel ta' Arbitraġġ għal Kirjiet Residenzjali Privati."

Emenda tal-
artikolu 1525
tal-Kodiċi
Ċivili.
Kap. 16.

37. L-artikolu 1525 tal-Kodiċi Ċivili għandu jiġi emendat kif ġejj:

(a) it-tieni paragrafu tas-subartikolu (1) tiegħu, għandu jiġi sostitwit b'dawn il-paragrafi ġodda li ġejjin:

Kap. 69.

"Il-Bord li Jirregola l-Kera (hawn aktar 'il quddiem msejjaħ "il-Bord tal-Kera") mahtur bis-saħħa tal-Ordinanza li tirregola t-Tiġdid tal-Kiri ta' Bini għandu jiddeċiedi l-materji kollha li jolqtu kirjiet ta' fondi urbani li jinkludu fondi residenzjali kif ukoll fondi kummerċjali, inkluż kawżi li jirrigwardaw l-okkupazzjoni ta' fondi urbani fejn dawn il-kirjiet ikunu ntemmu u kwalunkwe ħsara li tirriżulta matul dak il-perjodu ta' okkupazzjoni. Kirjiet oħra jaqgħu taħt il-kompetenza tal-qrati ta' guriisdizzjoni ċivili u fil-każ ta' kiri ta' raba' għandhom jaqgħu taħt il-kompetenza tal-Bord dwar il-Kontroll tal-Kiri tar-Raba' mahtur bid-dispożizzjonijiet tal-Att dwar it-Tiġdid ta' Kiri ta' Raba':

Kap. 199.

Iżda kwistjonijiet dwar il-validità ta' kuntratt ta' kirja, għandhom jiġu mistharrġa mill-qrati ta' ġurisdizzjoni ċivili, b'dan illi kull kwistjoni oħra in segwitu għad-determinazzjoni ta' tali kwistjonijiet dwar validità għandha tkun fil-kompetenza tal-Bord tal-Kera.

Il-Bord tal-Kera għandu wkoll kompetenza li jiddeċiedi talbiet relatati ma' manutenzjoni, tiswijiet, difetti u ħsarat tal-fond inklużi dawk moħbija, ħsarat jew miljoramenti, ammonti pendenti dwar dawl u ilma u kwalunkwe ammonti depożitati bħala garanzija mill-inkwilin, fejn dawn it-talbiet jiġu inklużi ma' talbiet jew eċċezzjonijiet oħra magħmula quddiem il-Bord, li fuqhom il-Panel ta' Arbitraġġ ma għandux ġurisdizzjoni."; u

(b) fit-tifsira "kazin" tas-subartikolu (3) tiegħu, il-kliem "skont id-dispożizzjonijiet xierqa tal-liġi." għandhom jiġu sostitwiti bil-kliem "skont id-dispożizzjonijiet xierqa tal-liġi;" u minnufih wara għandha tiġi miżjuda din it-tifsira ġdida li ġejja:

" "kirja residenzjali privata" tfisser kwalunkwe kirja residenzjali privata twila jew qasira, inkluż il-kiri ta' spazju residenzjali maqsum, li ssir wara l-1 ta' Jannar, 2020, u kwalunkwe kirja għal skop residenzjali li ssir qabel l-1 ta' Jannar, 2020, li tkun għadha fil-perjodu originali jew imġedded fl-1 ta' Jannar, 2021."

38. Fis-subartikolu (3) tal-artikolu 1531A tal-Kodiċi Ċivili, il-kliem "bl-artikoli ta' dan il-Kodiċi." għandhom jiġu sostitwiti bil-kliem "bl-artikoli ta' dan il-Kodiċi:" u minnufih wara għandu jiġi miżjud dan il-proviso ġdid li ġejj:

Emenda tal-artikolu 1531A tal-Kodiċi Ċivili. Kap. 16.

"Iżda li kirjiet residenzjali privati għandhom ikunu regolati mill-Att tal-2019 dwar il-Kirjiet Residenzjali Privati."

Att Nru XXVIII tal-2019.

39. Minnufih wara l-artikolu 1531A tal-Kodiċi Ċivili għandu jiġi miżjud dan l-artikolu ġdid li ġejj:

Żieda tal-artikolu ġdid 1531AA mal-Kodiċi Ċivili. Kap. 16.

"Kondizzjonijiet għal kiri ta' kirjiet residenzjali privati.

Att Nru XXVIII tal-2019.

1531AA. Rigward il-kiri ta' kwalunkwe kirjiet residenzjali privati li jsiru wara l-1 ta' Jannar, 2020, il-kuntratt ta' kiri għandu jsir bil-miktub u għandu jistipula l-kondizzjonijiet speċifikati taħt l-Att tal-2019 dwar il-Kirjiet Residenzjali Privati, jiġifieri:

- (a) il-fond li ser jinkera;
- (b) l-użu miftiehem tal-fond mikri;

- (c) iż-żmien li għalih dak il-fond ikun ser jinkera;
- (d) jekk dik il-kera tistax tiġgedded u kif;
- (e) l-ammont ta' kera u kif dan għandu jithallas;
- (f) kwalunkwe ammont iddepożitat mill-kerrej bħala garanzija għall-eżekuzzjoni tal-obbligi tiegħu; u
- (g) inventarju li jafferma l-kondizzjoni tal-fond kif ukoll l-istat ta' kwalunkwe għamara u apparat domestiku fornuti minn sid il-kera."

Emenda tal-artikolu 1532 tal-Kodiċi Ċivili. Kap. 16.

40. Fis-subartikolu (2) tal-artikolu 1532 tal-Kodiċi Ċivili, il-kliem "li tiġi fis-sehħ wara l-1 ta' Jannar, 2010." għandhom jiġu sostitwiti bil-kliem "li tiġi fis-sehħ wara l-1 ta' Jannar, 2010:" u minnufih wara għandu jiġi miżjud dan il-proviso ġdid li ġej:

"Izda kwalunkwe kirjiet residenzjali privati li jsiru wara l-1 ta' Jannar, 2020, għandhom ikunu preżunti li saru għal perjodu ta' sena (1), sakemm il-partijiet ma jiftehmux għal kirja residenzjali privata qasira jew għal kiri ta' spazju residenzjali maqsum skont l-Att tal-2019 dwar il-Kirjiet Residenzjali Privati."

Att Nru XXVIII tal-2019.

Emenda tal-artikolu 1534 tal-Kodiċi Ċivili. Kap. 16.

41. L-artikolu 1534 tal-Kodiċi Ċivili għandu jiġi emendat kif ġej:

- (a) fis-subartikolu (1) tiegħu, il-kliem "fuq stima ta' periti." għandhom jiġu sostitwiti bil-kliem "fuq stima ta' periti:" u minnufih wara għandu jiġi miżjud dan il-proviso ġdid li ġej:

"Izda fil-każ ta' okkupazzjoni mingħajr titolu taħt l-Att tal-2019 dwar il-Kirjiet Residenzjali Privati, il-kera għandha tkun stabbilita skont id-dispożizzjonijiet li jinsabu fl-Att imsemmi."; u

Att Nru XXVIII tal-2019.

- (b) fis-subartikolu (2) tiegħu, il-kliem "fis-sehħ wara l-1 ta' Jannar, 2010." għandhom jiġu sostitwiti bil-kliem "fis-sehħ wara l-1 ta' Jannar, 2010:" u minnufih wara għandu jiġi miżjud dan il-proviso ġdid li ġej:

"Izda fil-każ ta' okkupazzjoni mingħajr titolu li huma eżistenti wara l-1 ta' Jannar, 2020, il-kera għandha tkun determinata skont l-Att tal-2019 dwar il-Kirjiet Residenzjali Privati."

Att Nru XXVIII tal-2019.

42. L-artikolu 1536 tal-Kodiċi Ċivili għandu jiġi emendat kif ġej:

Emenda tal-artikolu 1536 tal-Kodiċi Ċivili. Kap. 16.

(a) fil-proviso tas-subartikolu (1) tiegħu, il-kliem "tal-ħlas ta' rata waħda." għandhom jiġu sostitwiti bil-kliem "tal-ħlas ta' rata waħda:" u minnufih wara għandu jiġi miżjud dan il-proviso ġdid li ġej:

Att Nru XXVIII tal-2019. "Izda wkoll li fil-każ ta' kirjiet residenzjali privati taħt l-Att tal-2019 dwar il-Kirjiet Residenzjali Privati, il-kera għandha tkun meqjusa li ġiet imġedda skont l-Att imsemmi."; u

(b) fis-subartikolu (2) tiegħu, il-kliem "wara l-1 ta' Jannar, 2010." għandhom jiġu sostitwiti bil-kliem "wara l-1 ta' Jannar, 2010:" u minnufih wara għandu jiġi miżjud dan il-proviso ġdid li ġej:

Att Nru XXVIII tal-2019. "Izda kirjiet residenzjali privati taħt l-Att tal-2019 dwar il-Kirjiet Residenzjali Privati għandhom ikunu regolati skont l-Att imsemmi.".

43. Fis-subartikolu (1) tal-artikolu 1541 tal-Kodiċi Ċivili, minnufih wara l-kliem "taħt dawk il-kondizzjonijiet illi" għandhom jiġu miżjuda l-kliem "l-Panel ta' Arbitraġġ għal Kirjiet Residenzjali Privati,".

Emenda tal-artikolu 1541 tal-Kodiċi Ċivili. Kap. 16.

44. Fl-artikolu 1566 tal-Kodiċi Ċivili, il-kliem "jagħtu avviż lil xulxin." għandhom jiġu sostitwiti bil-kliem "jagħtu avviż lil xulxin:" u minnufih wara għandu jiġi miżjud dan il-proviso ġdid li ġej:

Emenda tal-artikolu 1566 tal-Kodiċi Ċivili. Kap. 16.

Att Nru XXVIII tal-2019. "Izda kirjiet residenzjali privati taħt l-Att tal-2019 dwar il-Kirjiet Residenzjali Privati għandhom ikunu regolati skont l-Att imsemmi.".

45. L-Ordinanza li tirregola t-Tiġdid tal-Kiri ta' Bini għandha tiġi emendata kif ġej:

Emendi għall-Ordinanza li tirregola t-Tiġdid tal-Kiri ta' Bini. Kap. 69.

(a) fis-subartikolu (4) tal-artikolu 16 tagħha, minnufih wara l-kliem "fejn il-kirjiet ikunu ntemmu wara t-terminazzjoni ta' kirja" għandhom jiżdiedu l-kliem "u kwalunkwe ħsara li tirriżulta matul dan il-perjodu ta' okkupazzjoni:";

(b) minnufih wara s-subartikolu (4) tal-artikolu 16 tagħha, għandhom jiġu miżjuda dan il-proviso u l-paragrafu godda li ġejjin:

"Izda kwistjonijiet dwar il-validità ta' kuntratt ta' kirja, għandhom jiġu mistharrġa mill-qrati ta' ġuriżdizzjoni

ċivili, b'dan illi kull kwistjoni oħra in segwitu għad-determinazzjoni ta' tali kwistjonijiet dwar validità għandha tkun fil-kompetenza tal-Bord tal-Kera.

Il-Bord tal-Kera għandu wkoll kompetenza li jiddeċiedi talbiet relatati ma' manutenzjoni, tiswijiet, difetti u ħsarat tal-fond inklużi dawk moħbija, ħsarat jew miljoramenti, ammonti pendenti dwar dawl u ilma u kwalunkwe ammonti depożitati bħala garanzija mill-inkwilin, fejn dawn it-talbiet jiġu inklużi ma' talbiet jew eċċezzjonijiet oħra magħmula quddiem il-Bord, li fuqhom il-Panel ta' Arbitraġġ ma għandux guriżdizzjoni.";

(ċ) fis-subartikolu (1) tal-artikolu 16A tagħha, minnufih wara l-paragrafu (a) għandu jiġi miżjud dan il-proviso ġdid li ġej:

"Izda fejn it-talba għall-iżgumbrament issir b'talba għall-kera jew b'kull kunsiderazzjoni oħra dovuta jew danni għal kwalunkwe kumpens, il-Bord tal-Kera għandu jiddeċiedi t-talba għall-iżgumbrament fl-ewwel smiġh qabel ma jiddeċiedi kwalunkwe talba oħra magħmula mill-applikant:";

(d) fis-subartikolu (4) tal-artikolu 16A tagħha, minnufih wara l-kliem "marixxall tal-Qorti" għandhom jiżdiedu l-kliem "wara l-ħin ġudizzjarju"; u

(e) minnufih wara l-artikolu 16A tagħha, għandu jiġi miżjud dan l-artikolu ġdid li ġej:

"Il-Bord ma għandux jiddetermina kawżi relattivi għal kirjiet li mhumiex irreġistrati. Att Nru XXVIII tal-2019. Att Nru XXVIII tal-2019.

16B. Il-Bord ma għandux jittratta ma' kwalunkwe talba magħmula minn xi waħda mill-partijiet fil-kirja, jekk il-ftehim, ikkuntrattat wara d-dħul fis-seħħ tal-Att tal-2019 dwar il-Kirjiet Residenzjali Privati, mhux registrat skont l-artikolu 4 tal-Att tal-2019 dwar il-Kirjiet Residenzjali Privati:

Att Nru XXVIII tal-2019.

Izda l-Bord ma għandux ikollu guriżdizzjoni biex jiddetermina kwalunkwe talba magħmula minn xi waħda mill-partijiet għal kirja li tkun saret wara l-1 ta' Ġunju, 1995, imma qabel id-dħul fis-seħħ tal-Att tal-2019 dwar il-Kirjiet Residenzjali Privati, li jiġgedded jew jiġi estiż lil hinn mill-1 ta' Jannar, 2021, u li mhux registrat skont l-artikolu 5 tal-Att tal-2019 dwar il-Kirjiet Residenzjali Privati."

Att Nru XXVIII tal-2019.

46. Minnufih wara l-artikolu 4 tal-Att dwar l-Awtorità tad-Djar, għandhom jiżdedu dawn l-artikoli ġodda li ġejjin:

Emendi għall-Att dwar l-Awtorità tad-Djar. Kap. 261.

"Monitoraġġ ta' Kirjiet Residenzjali Privati. Att Nru XXVIII tal-2019.

4A. (1) L-Awtorità għandu jkollha l-funzjoni li tissorvelja l-attivitajiet u l-kirjiet residenzjali privati kollha li jaqgħu fil-kamp ta' applikazzjoni tal-Att tal-2019 dwar Kirjiet Residenzjali Privati, biex tiżgura li dawn il-kirjiet residenzjali privati kollha jkunu skont ir-rekwiziti tal-imsemmi Att u tista' għal tali skop titlob u tikseb l-assistenza tal-Korp tal-Pulizija, kull dipartiment tal-Gvern jew kwalunkwe aġenzija tal-Gvern.

(2) L-Awtorità għandha tkun speċifikament intitolata li tissorvelja:

(a) dawk il-kirjiet residenzjali privati magħmula wara d-dhul fis-seħh tal-imsemmi Att;

(b) kwalunkwe okkupazzjoni mingħajr titolu skont l-artikolu 20 tal-imsemmi Att li teżisti wara d-dhul fis-seħh tal-imsemmi Att:

Iżda l-oneru tal-prova li kwalunkwe attività ta' kiri mhix konformi mar-regoli fis-seħh dak iż-żmien huwa fuq l-Awtorità:

Iżda wkoll li l-Awtorità għandu jkollha d-dritt li tirrappreżenta kull okkupant mingħajr titolu fi kwalunkwe proċedura taht l-artikolu 21 tal-Att tal-2019 dwar il-Kirjiet Residenzjali Privati.

Att Nru XXVIII tal-2019.

Organizzazzjoni tal-Panel ta' Arbitraġġ għal Kirjiet Residenzjali Privati.

4B. L-Awtorità għandha wkoll tamministra u torganizza l-Panel ta' Arbitraġġ għal kirjiet residenzjali privati u tassumi kontroll amministrattiv tal-uffiċjali u l-impjegati tagħha."

Mgħoddi mill-Kamra tad-Deputati fis-Seduta Nru 274 tal-5 ta' Novembru, 2019.

ANĠLU FARRUGIA

Speaker

RAYMOND SCICLUNA

Skrivan tal-Kamra tad-Deputati

I assent.

(L.S.)

GEORGE VELLA
President

8th November, 2019

ACT No. XXVIII of 2019

AN ACT to promote the development of the private rented sector by ensuring standards of fairness, clarity and predictability in contractual relations between lessors and lessees and to safeguard and protect the right to adequate accommodation, and to make provision with respect to matters ancillary thereto or connected therewith.

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

ARRANGEMENT OF THE ACT

		Articles
Part I	Preliminary	1 - 3
Part II	Private Residential Lease Contracts	4 - 18
Part III	Monitoring and Enforcement	19 - 22
Part IV	Adjudicating Panel for Private Residential Leases	23 -30
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**PART I
PRELIMINARY**

1. (1) The short title of this Act is the Private Residential Leases Act, 2019. Short title and commencement.

(2) This Act shall come into force on such date as the Minister responsible for housing may by notice in the Gazette establish, and different dates may be so established for different provisions and different purposes thereof.

2. In this Act, unless the context otherwise requires: Interpretation.

"the Act" means the Private Residential Leases Act, 2019; Act No. XXVIII of 2019.

"Adjudicating Panel" means the Adjudicating Panel for Private Residential Leases established by article 23;

"Authority" means the Housing Authority established by article 3 of the Housing Authority Act; Cap. 261.

"Board" means the Rent Regulation Board established by article 16 of the Reletting of Urban Property (Regulation) Ordinance; Cap. 69.

"lessee" means the lessee of the premises, or his spouse, civil union partner, cohabitant or a member of his family up to the second degree, whether direct or collateral;

"letting of shared residential space" means the letting of any separate space in an apartment or building, with shared amenities, such as kitchen and bathroom facilities;

"long private residential lease" means any lease, negotiated for a primary residential purpose in accordance with article 8 and which is not a short private residential lease;

"Minister" means the Minister responsible for housing;

"private residential lease" means any long or short private residential lease, including the letting of shared residential space, which is entered into after 1st January, 2020, and any lease for a residential purpose entered into before the 1st January, 2020, which would still be in its original or renewed period on the 1st January, 2021;

"residence" means a tenement let for a primary residential purpose:

Provided that guest houses or dormitories shall not be considered as a residence for the purpose of this Act:

Provided further that tenements in the island of Malta and which are occupied by residents of the island of Gozo and Comino due to employment or education on the island of Malta shall also be regulated by this Act. The same shall apply to residents of the island of Malta, who occupy tenements in the island of Gozo and Comino due to employment or education on the island of Gozo and Comino:

Provided further that any property or part of a property used as a residence must be fit for habitation;

"short private residential lease" means any lease, negotiated for a duration of six (6) months, which is meant to satisfy the need of the following categories of lessees:

(a) non-resident workers who are employed either for a period less than six (6) months or only to complete a specific task within a maximum period of six (6) months;

(b) non-resident students who are enrolled in courses for less than six (6) months;

(c) residents who need to rent an alternative primary residence for a period of less than six (6) months;

(d) non-residents who need to rent a tenement for a period of less than six (6) months, provided that they would not be seeking to establish their long residence in Malta:

Provided that a contract of short lease shall identify the specific category within which the lessee falls into and attest it through attached documentation. In the absence of either of these requirements the contract shall be deemed to be a private residential lease in accordance with article 8:

Provided further that any short private residential lease negotiated for a period exceeding six (6) months shall also be deemed to be a private residential lease in accordance with article 8:

Provided further that short private residential leases may not be extended;

"tourist" means any person who is traveling to and staying in places outside his usual environment for not more than one (1) consecutive year for leisure, business or other personal purposes other than by taking up employment or to establish his business in the place visited.

3. (1) The provisions of the Act shall apply to private residential leases that are entered into or renewed after the entry into force of the Act: Applicability.

Provided that leases which were granted after the 1st June, 1995, and which are still in force on the day of the entry into force of the Act shall continue to be regulated exclusively by the provisions of the Civil Code, except for the cases specified under article 5. Cap. 16.

(2) The provisions of the Act shall not apply to:

(a) tenements belonging to the Government of Malta:

Provided that tenements owned by private foundations set up for the purpose of providing affordable housing shall not be considered as tenements belonging to the Government;

(b) tenements let to any tourist, exclusively for tourism purposes:

Provided that if a property is registered as a holiday furnished premises in accordance with the Malta Travel and Tourism Services Act, the Act shall still apply if the applicant does not qualify as tourist; Cap. 409.

(c) tenements which are not let for a primary residential purpose;

(d) tenements let before the 1st June, 1995.

(3) The provisions of the Act shall not apply to the letting of urban tenements where contracts of emphyteusis or sub-emphyteusis have been or are about to be converted into leases by virtue of law.

PART II PRIVATE RESIDENTIAL LEASE CONTRACTS

4. (1) All private residential lease contracts entered into after the entry into force of the Act, including their renewal, whether express or tacit, shall be registered: Obligation to register private residential lease contracts.

Provided that contracts of private residential leases which are

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not registered in accordance with the provisions of the Act shall be null and void.

(2) It shall be the duty of the lessor to register, within ten (10) days of the commencement of the lease, the private residential lease contract with the Authority:

Provided that such registration shall be made subject to an administrative fee levied by the Authority:

Provided further that registrations made later than the time specified in sub-article (2) shall be subject to an additional fee.

(3) The registration shall have a retrospective effect from the date of commencement of the lease.

(4) If the lessor fails to comply with the obligation stipulated in sub-article (2), the lessee may proceed to register the lease contract himself, at the expense of the lessor:

Provided that the lessee shall have the right to retain part of the rent for the purpose of reimbursement of the administration fee paid to the Authority.

(5) An application for registration under article 4 may not relate to more than one (1) private residential lease.

(6) A separate application is required for every private residential lease that is created:

Provided that the lessor shall be bound to register the renewal in accordance with the Act.

(7) As part of the process of registration, the Authority may demand the lessor to specify the number of occupants that shall reside in the tenement:

Provided that such figure shall only be used for statistical purposes and it shall not be invoked by the lessor in any action for the termination of the contract on the grounds of unlawful sub-letting:

Provided further that such figure shall be without prejudice to the lessee's rights under article 1615 of the Civil Code.

Cap. 16.

(8) The Authority shall have the power to introduce and enforce minimum standards of habitability for tenements which are offered for letting:

Provided that the registration of a lease contract by the Authority shall not in any manner be held as a certification of the habitability of a leased tenement.

5. (1) Private residential leases which were entered into after the 1st June, 1995, but before the coming into force of the Act, and which would still be in force on the 1st January, 2021, whether in their original or renewed term, shall be registered: Transitory provision.

Provided that the obligation to register shall also apply to any lease that is renewed beyond the 1st January, 2021.

(2) It shall be the duty of the lessor to register the private residential lease contract with the Authority in accordance with sub-article (1) by the 1st January, 2021.

(3) In the case of a conflict between the registered contract and articles 7, 9 and 11, the articles contained in the Act shall prevail.

(4) The registration of a lease under sub-article (1) shall require the declaration of any amount deposited by the lessee by way of security in accordance with article 6(1)(b) and the presentation of an inventory in accordance with article 6(1)(c):

Provided that it would be sufficient for the inventory to attest the condition of the property at the time of the registration of the contract:

Provided further that the tenant shall be bound to provide access to the landlord for the purpose of the compilation of such inventory, and in the absence of an agreement between the parties, the lessor may file an application in accordance with the procedure laid down under article 1548A of the Civil Code. Cap. 16.

(5) If the lessor fails to comply with the obligation stipulated in sub-article (1), the lessee may proceed to register the contract himself, at the expense of the lessor:

Provided that the lessee will have the right to retain part of the rent for the purpose of reimbursement of the administration fee paid to the Authority.

6. (1) All private residential lease contracts made after the entry into force of the Act shall be made in writing and shall include the following requirements: Requisites in writing of a contract of private residential lease.

(a) the tenement to be leased;

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- (b) the agreed use of the tenement let;
- (c) the period for which that tenement shall be let;
- (d) whether such lease may be extended and in what manner;
- (e) the amount of rent that shall be paid and the manner in which such payment shall be made;
- (f) any amount deposited by the lessee by way of security for the performance of his obligations; and
- (g) an inventory, in the form of documentary evidence, attesting the condition of the tenement as well as the state of any furniture and domestic appliances supplied by the lessor.

(2) In the absence of one (1) or more of these essential requirements established in sub-article (1), the contract shall not be registrable, therefore, shall be null and void.

(3) The Minister may, after consulting the Authority, by regulations publish a model private residential lease agreement which may be used as a basis by any person entering into a private residential lease contract:

Provided that the Minister shall also be entitled to publish a standard form containing the clauses mentioned in sub-article (1) and which may be made compulsory for any person entering into a private residential lease contract which is not in accordance with the model agreement.

Forbidden clauses.

7. (1) Any of the following clauses which are inserted in a private residential lease contract, shall be deemed to be without effect:

Cap. 16.

(a) clauses which provide for the automatic termination of the contract other than the non-fulfilment of the lessee's obligations under articles 1554, 1555, 1555A and 1614 of the Civil Code or the non-observance of any one (1) of the conditions of the lease for which termination had been expressly foreseen:

Cap. 16.

Provided that where the lessee fails to pay punctually the rent due, the lessor shall always call upon the lessee in accordance with article 1570 of the Civil Code;

(b) clauses which authorise the lessor to reduce,

without equivalent consideration, any benefits stipulated in the contract;

(c) clauses that exempt the lessor from any of the responsibilities to which he is bound by law, including those foreseen in articles 1545 and 1546 of the Civil Code, without equivalent consideration; Cap. 16.

(d) clauses which impose the payment of additional considerations, other than the rent, the deposit, the insurance on the contents of the tenement and any contributions foreseen in accordance with article 11(4) of the Condominium Act: Cap. 398.

Provided that any expenses relating to the ordinary maintenance of the common parts of a condominium shall be limited to those duties which, in accordance with the Civil Code, are at the charge of the lessee: Cap. 16.

Provided further that the lessee may request the restitution of any amounts unduly paid;

(e) clauses which impose on the lessee any additional consideration for the use of the movables, beyond the payment of rent for the use of the dwelling:

Provided that the lessee may request the restitution of any amounts unduly paid;

(f) clauses which stipulate the payment of a fixed amount, separate from the rent, for the consumption of water, electricity or other utility service if such amount does not reflect the actual consumption of such utility services by the lessee calculated at the rate reflecting the primary residential use of the tenement and the total number of occupants residing therein;

(g) clauses which limit the use which one is expected to make of a residence, subject to the observance of the provisions relating to the maintenance and improvement contained in the Civil Code and the rules of good neighbourliness. Cap. 16.

(2) The registration of the private residential lease contract by the Authority shall not imply the validation of any unlawful terms contained therein.

8. A long private residential lease cannot have a duration of less than one (1) year. Any agreement stipulating a shorter duration shall be deemed to have been agreed for a period of at least one (1) year: Minimum contractual duration for long leases.

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Provided that this article does not apply to short private residential leases or the letting of shared residential space.

Notice of termination of long private residential leases by lessor.

9. (1) A private residential lease shall cease to have effect upon the expiration of its term, whether such term is conventional, legal or judicial, provided that the lessor gives notice to the lessee at least three (3) months before by registered letter:

Provided that for the purpose of proving the fulfilment of his obligation under sub-article (1), it shall be sufficient for the lessor to provide evidence that the registered letter has been sent within the stipulated time, and to the correct address.

(2) If the lessor does not serve the lessee with a notice of termination within the specified time, the private residential lease shall be deemed to have been renewed for a further period of one (1) year:

Provided that in the absence of a notice of termination by the lessor, the lease shall continue to be renewed.

(3) This article shall not be applicable for short private residential leases or letting of shared residential space.

Termination of short private residential leases. Cap. 16.

10. A short private residential lease shall cease to have effect by operation of article 1566 of the Civil Code.

Withdrawal by the lessee in the case of long private residential leases.

11. (1) The lessee may not withdraw from a long private residential lease before the lapse of:

(a) six (6) months in the case where the lease is for a period of less than two (2) years;

(b) nine (9) months in the case where the lease is for a period of two (2) years or more but less than three (3) years; or

(c) twelve (12) months in the case where the lease is for a period of three (3) years or more:

Provided that if the lessee withdraws from a long private residential lease before the lapse of the period stipulated in sub-article (1), the lessor may retain an amount not exceeding one (1) month's rent from the deposit left by the lessee by way of security, so however, that the lessor may still proceed against the lessee to collect any other amount due by him:

Provided further that sub-article (1) shall be without prejudice

to the lessor's right to demand the termination of the lease in case of the lessee's non-fulfilment of any one (1) of his obligations.

(2) From the lapse of the periods mentioned in sub-article (1) onwards, the lessee may withdraw at any time by giving notice to the lessor, by registered letter:

(a) at least one (1) month before in the case where the lease is for a period of less than two (2) years;

(b) at least two (2) months before in the case where the lease is for a period of two (2) years or more but less than three (3) years; or

(c) at least three (3) months before in the case where the lease is for a period of three (3) years or more.

(3) The parties may agree to stipulate more advantageous conditions for the lessee in connection with the withdrawal of the lease.

(4) No penalty may be imposed on the lessee for exercising his rights of withdrawal according to the periods stipulated in sub-article (1).

(5) In the absence of an adequate serving of notice, the lease shall be deemed not to have been terminated by the lessee:

Provided that for the purpose of proving the fulfilment of the lessee's obligation under sub-article (2), it shall be sufficient for the lessee to provide evidence that the registered letter has been sent within the stipulated time, and to the correct address.

12. (1) The lessee may not withdraw from a short private residential lease before the lapse of one (1) month.

Withdrawal by the lessee in the case of short private residential leases.

(2) Following the lapse of the period mentioned in sub-article (1), the lessee may withdraw at any time from a short private residential lease so long as he gives a prior notice to the lessor of at least one (1) week, by a registered letter.

(3) The parties may agree to stipulate more advantageous conditions for the lessee in connection with the withdrawal of the lease.

(4) No penalty may be imposed on the lessee for exercising his rights of withdrawal in accordance with this article.

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Rent.

13. (1) The rent shall be freely stipulated between the parties.

(2) Unless otherwise agreed, the payment of the rent shall be deemed to have been calculated for one (1) month. In no case may the lessor require the advance payment of more than one (1) month's rent, unless it is otherwise agreed by the parties:

Provided that this shall be without prejudice to the lessor's right to request an amount by way of security, for the performance of the lessee's obligations.

(3) The lessor shall be obliged to deliver to the lessee a receipt of the payment, unless it has been agreed that payment is made through procedures that are capable of proving the effective fulfilment of the obligation.

Permissible increases.

14. (1) Rent increases may only take place once every year. In the absence of any express agreement, the rent cannot be revised during the term of the lease.

(2) Yearly increases may not exceed the annual variations recorded in the Property Price Index published by the National Statistics Office. The annual variation shall be understood as the average of the previous four quarters recorded until the date of the increase.

(3) The increase foreseen in sub-article (2) may never exceed the previous rent by more than five per cent (5%).

(4) If the average annual variation is negative, this shall not result in the reduction of the rent.

Terms contrary to law.

15. (1) Any agreement, whether verbal or in writing, determining any condition which does not result from the written and registered contract shall be considered as void.

(2) In the cases referred to in sub-article (1), the lessee may request the restitution of any amounts paid in excess of the total amount resulting from the written and registered contract.

(3) Any clause intended to derogate the minimum contractual duration established by the Act shall be null and void.

Letting of shared residential space.

16. (1) Any contract entered into for the lease of a shared residential space shall have a duration of six (6) months.

(2) The lessee may withdraw from the lease, at any time, by giving one (1) week prior notice to the lessor by a registered letter.

(3) No penalty may be imposed on the lessee for exercising his rights of withdrawal.

(4) The letting of shared residential space is also subject to the rules of registration under article 4.

(5) Any lease of shared residential space may not be renewed and it shall cease to have effect by operation of article 1566 of the Civil Code. Cap. 16.

(6) The above provisions shall also apply where either the lessor, or the lessee in case of a sub-lease, also reside in that property.

(7) The Authority shall have the power to introduce and enforce safety and security standards in relation to tenements which are let to more than one (1) household, including rules limiting the number of persons that could occupy such tenement at once.

17. (1) The lessor is bound to ensure an adequate supply of water and electricity whenever a tenement, or any part thereof, is leased for a residential purpose: Water and electricity services.

Provided that this article shall be without prejudice to the supplier's rights to suspend the supply of water and electricity under the Electricity Supply Regulations and Water Supply Regulations, in the case of non-payment of an account or where such powers are specifically reserved to the Chairman of the electrical distribution system operator or the Water Services Corporation as the case may be. S.L. 545.01.
S.L. 545.03.

(2) The lessor is bound to acknowledge the number of persons residing in the tenement for the purpose of calculating the correct tariff applicable for electricity and water supply, and to grant the lessee access to the account details relative to the leased tenement:

Provided that the lessor's obligations under this sub-article shall be without prejudice to the lessee's possibility of applying for his temporary recognition as a consumer by the service provider and to assume responsibility for the payment of bills relative to the leased tenement, in his own name.

(3) Any additional amounts incurred by the lessee as a result of the lessor's default to maintain his obligations stipulated in sub-article (2) shall be recoverable by the lessee:

Provided that the lessee may retain part of the rent due for the purpose of reimbursement of such expenses.

(4) The lessee shall ensure that no arrears for water and

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electricity services are pending with respect to the period of the lease:

Provided that the non-payment of water and electricity bills during any period of the lease shall be considered as a partial default and it shall entitle the lessor to demand the dissolution of the contract in accordance with article 1570 of the Civil Code:

Cap. 16.

Provided further that the tenant shall not be bound to pay the utility services until he is provided with a copy of the bill, unless he would have direct access thereto.

Over-holding of
rented premises
by tenant.

18. (1) A tenant in default of his obligations, who remains in occupation of the rented tenement beyond the lapse of his title, shall be bound to pay the lessor an amount equivalent to the rent until the date of the effective eviction of the property.

(2) A demand for such compensation may be made simultaneously with the demand for termination of the lease and, or for the eviction of the lessee from the rented tenement.

(3) Nothing contained in sub-article (1) shall preclude the lessor's right to obtain compensation for any greater damage.

PART III MONITORING AND ENFORCEMENT

Right of entry.

19. (1) Notwithstanding the provisions of any other law, for the purposes of verifying whether any tenement is occupied for a residential purpose by any person or persons who are not the owners of the tenement and who would be occupying the tenement without a valid title of lease, for the sole reason that the lease agreement does not satisfy the requisites *ad validitatem* in writing of a contract of lease or that although it satisfies the requisites *ad validitatem* in writing is not registered in accordance with the provisions of the Act, the Chairperson of the Authority and such officer, employee or any other person as may be authorised by the Chairperson for this purpose, and if so required by the Chairperson with the assistance of the Police Force, shall have the right to enter the private tenement, at all reasonable times in order to inspect the tenement, or verify whether the tenement is being occupied by any person, or to take any photographs after entering or request any legitimate information from any occupier of such tenement:

Provided that such access shall require the prior issue of a warrant signed by a Magistrate.

(2) For the purpose of any investigation on the violation of any other provision under the Act, the Chairperson of the Authority and

such officer, employee or any other person as may be authorised by the Chairperson for this purpose, shall have the same right under sub-article (1), but not before giving notice of at least twenty four (24) hours to the occupant prior to the entry into the property.

(3) Any person authorised pursuant to sub-article (1) shall produce a means of identification issued by the Authority and thereon be authorised to enter the tenement.

(4) If any person makes any false report regarding the violation of any of the provisions of the Act, knowing the same to be false, he shall be liable to imprisonment for a period not exceeding three (3) months or to a fine (multa) not exceeding five hundred euro (€500) or to both such imprisonment and fine (multa).

20. (1) If it appears to the Authority that any tenement is occupied for a residential purpose by any person or persons who are not the owners of the tenement and who would be occupying the tenement without a valid title of lease, for the sole reason that the lease contract does not satisfy the requisites *ad validitatem* in writing of a contract of lease or that although it satisfies the requisites *ad validitatem* in writing is not registered in accordance with the provisions of the Act, hereinafter in the Act referred to as "occupation without title", the Chairperson, or any officer authorised by him, shall issue an enforcement notice to the person or persons granting the enjoyment of the tenement without having formalised their relationship according to law:

Enforcement
procedure.

Provided that no enforcement notice shall be issued in relation to any lease contract validly entered into before the entry into force of the Act, saving the provisions of article 5.

(2) The Authority shall, in the case of occupation without title referred to in sub-article (1), require the person or persons granting the enjoyment of a tenement without title, to comply with the rules established in the Act within such time specified by the Authority.

(3) In enforcing the terms of sub-article (2), the Authority may:

(a) order to whoever grants the enjoyment of a tenement without title to conform with the obligations contained in the Act for a minimum period of one (1) year and at a rent which does not exceed seventy-five percent (75%) of the rental value of the tenement; or

(b) if an agreement in writing according to the terms of the Act, already exists between the parties, and the Authority deems such conditions to be in line with the average market

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conditions, require the person or persons granting the enjoyment of a tenement without title to register such agreement in accordance with article 4:

Provided that the compliance with either one (1) of such requests shall not prejudice the Authority's right to take further action in accordance with article 22:

Provided further that for the purposes of establishing the rental value of the property, the Authority shall engage an architect to assist it:

Provided further that a copy of the architect report shall always be presented to the person or persons granting the enjoyment of a tenement without title.

Additional
remedy for the
occupant
without title.

21. (1) Without prejudice to any other remedy in terms of the Act, in the event that a person served with an enforcement notice under article 20 fails to comply with any of the requirements of such notice within the time therein specified, the Authority may file an application before the Board demanding that, if the Board is satisfied that an occupation without title according to sub-article 20(1) is in existence, a written contract shall be entered into for a period of three (3) years at a rent which does not exceed seventy-five percent (75%) of the market rental value of the tenement.

(2) The Board may order that any amount be paid as compensation for the occupation of the tenement to the person granting the enjoyment of a tenement without title, whilst the hearing of an application filed in terms of sub-article (1) is pending:

Provided that the remedy under sub-article (1) shall not apply in the case of the occupation without title of shared residential space:

Provided further that if there exists sufficient evidence to determine that the agreed amount for the occupation without title was lower than seventy-five percent (75%) of the market rental value of the tenement, the rent shall be fixed at such amount agreed by the parties.

Offences.

22. (1) Any person who:

(a) is found granting any tenement, or any separate space therein, for a residential purpose, which is not in accordance with the provisions of the Act;

(b) hinders, obstructs, molests or interferes with, or attempts to hinder, obstruct, molest or interfere with, any officer

or employee of the Authority, or any police officer, or any public officer in the execution of his duties under the law, or fails to comply with any reasonable requirement demanded of him by any such person as aforesaid or otherwise fails to assist him in the carrying out of the said duties, or knowingly furnishes such person with false information or neglects or refuses to give any information required for the purpose aforesaid; or

(c) makes a declaration for any one (1) of the purposes of the Act which is false, misleading or incorrect in any material respect,

shall be guilty of an offence against the Act and shall be liable, on conviction, to a fine (*multa*) of not less than two thousand and five hundred euro (€2,500) and not exceeding ten thousand euro (€10,000):

Provided that if upon the serving of an enforcement notice under article 20, the person found guilty of violating the terms of the Act proceeds to conform with the Authority's request within the time specified by the Authority, the fine (*multa*) shall not exceed five thousand euro (€5,000).

(2) Proceedings against any person for any offence as is mentioned in sub-article (1) shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, as courts of criminal judicature in accordance with the provisions of the Criminal Code:

Cap. 9.

Provided that, notwithstanding the provisions of article 376(1)(b) of the Criminal Code, the court shall, at the request of the prosecution or of the accused, take down evidence given by the witnesses in the manner provided for either in article 390(6) of the Criminal Code or in any law for the time being in force.

Cap. 9.

Cap. 9.

PART IV ADJUDICATING PANEL FOR PRIVATE RESIDENTIAL LEASES

23. (1) There shall be an Adjudicating Panel for private residential leases, hereinafter referred to as the "Adjudicating Panel".

Establishment of the Adjudicating Panel for private residential leases.

(2) The Adjudicating Panel shall have exclusive jurisdiction to decide disputes relating to private residential leases to which the Act applies, in so far as the claim does not exceed the value of five thousand euro (€5,000), involving issues mentioned in:

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Cap. 16.

(a) articles 1540, 1541, 1542, 1543, 1545, 1546, 1548, 1556, 1559, 1561, 1562, 1563 and 1564 of the Civil Code in as long as these do not include a demand for the termination of the lease;

(b) article 17 in so far as the dispute is solely between the lessor and the lessee; and

(c) any dispute relating to the retention or reimbursement of any amount left by way of security deposit as indicated under article 6(f):

Provided that a demand made in accordance with the articles mentioned in sub-article (2) may also be included in other demands or pleas made before the Board, in any action affecting private residential leases, over which the Adjudicating Panel has no jurisdiction, including where the demand is made for the termination of the lease or the eviction of any person from the lease:

Provided further that the Adjudicating Panel shall only hear claims relative to registered contracts.

(3) The administration and organisation of the Adjudicating Panel and the administrative control of its officers and employees shall be the responsibility of the Chairperson of the Authority.

Composition of
the
Adjudicating
Panel.

24. (1) The Adjudicating Panel shall consist of the following:

(a) a Chairperson, who will be a person who has practiced as an advocate for not less than three (3) years; and

(b) two (2) to four (4) professionals of a recognised standing chosen from amongst persons of known integrity and with knowledge of and experience in the real estate sector.

(2) All members sitting on each panel, including the Chairperson and the deputy Chairperson, shall be appointed by the President of Malta acting on the advice of the Prime Minister.

(3) Members of the Adjudicating Panel shall be appointed for a term of five (5) years and, on the lapse of their term, they shall not be eligible for re-appointment.

(4) The Chairperson and members of the Adjudicating Panel shall receive such remuneration as the Minister may, from time to time, determine.

(5) A person shall not be eligible to be appointed or to hold office as a Chairperson or as a member of the Adjudicating Panel if he:

(a) is a member of the House, of a local council or of the European Parliament; or

(b) is engaged in any business which has as its objective the development of real estate or the renting of immovable property:

Provided that professional activity limited to the design of buildings and the supervision of their construction shall not be construed as engagement in any real estate development business; or

(c) has previously conducted himself in such a manner as to cast doubt on his competence or soundness of judgement; or

(d) has a financial or other interest as is likely to prejudicially affect the discharge by him of his functions; or

(e) is otherwise not a fit and proper person to hold that office.

(6) Any member of the Adjudicating Panel may resign his office by letter addressed to the President.

(7) In the exercise of his functions under the Act, a member of the Adjudicating Panel shall not be subject to the control or direction of any other person or authority. An adjudicator may not be removed from office except in the manner and for the reasons provided for in article 97(2) of the Constitution, and any law or regulation made pursuant to article 97(3) of the Constitution for the purposes of article 97(2) thereof shall apply *mutatis mutandis* to the procedure for the presentation of an address and for the investigation and proof of the inability or misbehaviour of an adjudicator under the provisions of this article.

(8) Members of the Adjudicating Panel shall be subject to the Code of Ethics for Members of the Judiciary drawn up by the Commission for the Administration of Justice in accordance with article 101A(11)(d) of the Constitution, and reports or allegations of such breaches shall be investigated by the Commission for the Administration of Justice.

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Abstention and challenge of members of the Adjudicating Panel.
Cap. 12.

25. The provisions of the Code of Organization and Civil Procedure relative to abstentions by and challenges to a magistrate, and to the subrogation of and the distribution of duties amongst magistrates shall, *mutatis mutandis*, apply to any member of the Adjudicating Panel.

Mode of complaint.

26. (1) Every claim filed before the Adjudicating Panel shall be made in writing.

(2) The claim filed in accordance to sub-article (1) shall be served to the defendant, who has a right to file a reply in writing before the Adjudicating Panel within ten (10) days.

Decision.

27. The Adjudicating Panel shall deliver judgement within the shortest time possible but not any later than five (5) working days from the date of the last submission by the parties, the witnesses or the experts, as the case may be.

Summoning of witnesses.

28. The Adjudicating Panel shall have power, exercisable through its Chairperson, or by the person so authorised by the Chairperson, to:

(a) summon witnesses;

(b) take expert advice;

(c) require any person who appears to it to have a special knowledge of the matter under consideration to furnish orally or in writing such particulars in relation thereto as the Adjudicating Panel may require;

(d) require access to the premises.

Proceedings.

29. (1) Every investigation by the Adjudicating Panel shall be conducted in private.

(2) The Adjudicating Panel may hear or obtain information from such persons as it thinks fit, and may make such enquiries as it thinks fit. It shall not be necessary for the Adjudicating Panel to hold any hearing:

Provided that a hearing shall only be given by the Adjudicating Panel if it is considered to be necessary by the Adjudicating Panel:

Provided further that the defendant shall have the right to file both a statement of defence as well as any counter-claim in terms of the Act.

(3) If at any time during the course of an investigation it appears to the Adjudicating Panel that it is necessary to hear any oral submissions, the Adjudicating Panel shall issue a notice of hearing to the parties and shall summon any person that the Adjudicating Panel considers to be relevant to the investigation, to appear before it and to require them to give any evidence or produce any documents in their possession, as it deems necessary:

Provided that summons for attendance before the Adjudicating Panel shall be signed by the Chairperson of the Adjudicating Panel:

Provided further that a summons may be served either by hand or by registered post.

30. (1) Any party who feels aggrieved by a decision of the Adjudicating Panel may appeal on a point of law to the Court of Appeal composed of one (1) judge only in accordance with article 41(9) of the Code of Organization and Civil Procedure. Appeal.
Cap. 12.

(2) The appeal shall be filed within twenty (20) days from the date of the decision of the Adjudicating Panel.

(3) The Court of Appeal shall be constituted in accordance with article 41(9) of the Code of Organization and Civil Procedure. Cap. 12.

PART V MISCELLANEOUS

31. (1) The registry of the Adjudicating Panel shall maintain a register of all the final judgments relating to contractual defaults which are decided by the Adjudicating Panel, Board and the Court of Appeal and offences in contravention of article 85 of the Criminal Code in relation to arbitrary or forced evictions of occupants of leased properties, including *de facto* lessees. Registry of
defaults.
Cap. 9.

(2) Access to this register will be given to prospective lessors or lessees who intend to sign a private residential lease agreement:

Provided that information relating to any judicial or quasi-judicial decisions delivered against the counterparty will only be released upon the presentation of a draft lease agreement, identifying the contracting parties.

(3) Persons included in the register may request the cancellation of their name from such registry upon the presentation of evidence that any debts or arrears for which they would have been found liable would have been cleared.

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(4) Any record of any person contained in the registry referred to in this article shall be automatically canceled upon the lapse of three (3) years from the entry of such record.

Cap. 586.

(5) The procedures relating to the registry referred to in this article as well as its contents shall remain, in any case, subject to the Data Protection Act and 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).

Data sharing.
Cap. 261.

32. (1) In exercising his functions under the Housing Authority Act, the Chairperson of the Authority may make a request in writing to a public authority requesting only the necessary details relating to the person or property concerned.

(2) When making a request under sub-article (1), the Chairperson of the Authority shall provide the purpose for such a request and the function being exercised under the Act.

(3) The requested public authority shall provide the Chairperson of the Authority the requested information referred to in sub-article (1) within fifteen (15) days:

Provided that the Chairperson of the Authority shall keep a record of the request thereof, including the dates when the request was submitted and when such data was provided or refused by the public authority:

Provided further that a public authority shall reject a Chairperson's request if it does not possess the requested information, or if the request is contrary to law, incomplete or disproportionate to the aim pursued.

Data protection.
Cap. 586.

33. Nothing in the Act shall prejudice the application of the Data Protection Act or the 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).

Power of the Minister to make regulations.

34. The Minister may make regulations to give better effect to the provisions of the Act, and without prejudice to the generality of the foregoing may, by such regulations, prescribe anything that is to be or which may be prescribed and provide for any matter consequential, incidental to or connected with the provisions of the Act.

**PART VI
CONSEQUENTIAL AMENDMENTS**

35. In the second proviso of sub-article (1) of article 85 of the Criminal Code the words "defence of another person." shall be substituted by the words "defence of another person:" and immediately thereafter there shall be added the following new proviso:

Amendment to
Criminal Code.
Cap. 9.

"Provided further that in cases of arbitrary or forced evictions of an occupant from the property which he occupies as his primary residence, including any unpermitted entry into the property, removal of furniture, appliances or personal belongings from the property, or the suspension or interruption of water and electricity services, in whichever manner, including the installation of devices which enable the owner to suspend the direct supply of water and electricity services to the property, the fine (*multa*) shall not be less than one thousand five hundred euro (€1,500) and not more than four thousand euro (€4,000)."

36. Immediately after paragraph (h) of article 253 of the Code of Organization and Civil Procedure, there shall be added the following new paragraph:

Amendment to
the Code of
Organization
and Civil
Procedure.
Cap. 12.

"(i) Decisions of the Adjudicating Panel for Private Residential Leases."

37. Article 1525 of the Civil Code shall be amended as follows:

Amendment of
article 1525 of
the Civil Code.
Cap. 16.

(a) the second paragraph of sub-article (1) thereof, shall be substituted by the following new paragraphs:

Cap. 69.

"The Rent Regulation Board (hereinafter referred to as the "Rent Board") established under the Reletting of Urban Property (Regulation) Ordinance shall decide all matters affecting the leases of urban tenements including residential as well as commercial tenements including causes relating to the occupation of urban tenements where such leases have expired, and any damages resulting during such period of occupation. Other leases fall under the competence of the courts of civil jurisdiction while matters relating to agricultural leases shall fall under the competence of the Rural Leases Control Board appointed according to the provisions of the Agricultural Leases (Reletting) Act:

Cap. 199.

Provided that matters relating to the validity of a contract of lease, shall be examined by the courts of civil jurisdiction, so however, that any other matter following the determination of such matters relating to validity shall fall under the competence of the Rent Board.

The Rent Board shall also have the competence to decide demands related to maintenance, repairs, defects and faults of the tenement including latent ones, damages or improvements, amounts due for water and electricity and any amount left by way of security deposit by the tenant, where such demands are included in other demands or pleas made before the Board, over which the Adjudicating Panel has no jurisdiction."; and

(b) in the definition "club" of sub-article (3) thereof, the words "in accordance with the provisions of the law." shall be substituted by the words "in accordance with the appropriate provisions of the law;" and immediately thereafter there shall be added the following new definition:

" "private residential lease" means any long or short private residential lease, including the letting of shared residential space, which is entered into after 1st January, 2020, and any leases for a residential purpose entered into before the 1st January, 2020, which would still be in its original or renewed period on the 1st January, 2021.".

Amendment of article 1531A of the Civil Code. Cap. 16.

38. In sub-article (3) of article 1531A of the Civil Code the words "articles of this Code." shall be substituted by the words "articles of this Code:" and immediately thereafter there shall be added the following proviso:

[Act No. XXVIII of 2019.]

"Provided that private residential leases shall be regulated by the Private Residential Leases Act, 2019.".

Addition of new article 1531AA to the Civil Code. Cap. 16.

39. Immediately after article 1531A of the Civil Code there shall be added the following new article:

"Conditions for letting of private residential lease.

[Act No. XXVIII of 2019.]

1531AA. With regard to the letting of any private residential lease entered into after the 1st January, 2020, the contract of lease shall be made in writing and shall stipulate the conditions specified under the Private Residential Leases Act 2019, namely:

- (a) the tenement to be leased;
- (b) the agreed use of the tenement let;

(c) the period for which that tenement shall be let;

(d) whether such lease may be extended and in what manner;

(e) the amount of rent that shall be paid and the manner in which such payment is to be made;

(f) any amount deposited by the lessee by way of security, for the performance of his obligations; and

(g) an inventory attesting the condition of the tenement as well as the state of any furniture and domestic appliances supplied by the lessor."

40. In sub-article (2) of article 1532 of the Civil Code, the words "made after the 1st January, 2010." shall be substituted by the words "made after 1st January, 2010:" and immediately thereafter there shall be added the following new proviso:

Amendment of article 1532 of the Civil Code. Cap. 16.

"Provided that any private residential leases entered into after the 1st January, 2020, shall be presumed to have been entered into for a period of one (1) year, unless the parties agree to a short private residential lease or the letting of shared residential space in accordance with the Private Residential Leases Act, 2019."

Act No. XXVIII of 2019.

41. Article 1534 of the Civil Code shall be amended as follows:

Amendment of article 1534 of the Civil Code. Cap. 16.

(a) in sub-article (1) thereof, the words "by means of a valuation by experts." shall be substituted by the words "by means of a valuation by experts:" and immediately thereafter there shall be added the following new proviso:

"Provided that in case of occupation without title under the Private Residential Leases Act, 2019, the rent shall be fixed in accordance with the provisions contained in the said Act."; and

Act No. XXVIII of 2019.

(b) in sub-article (2) thereof, the words "made after the 1st January, 2010." shall be substituted by the words "made after the 1st January, 2010:" and immediately thereafter there shall be

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added the following new proviso:

Act No. XXVIII of 2019. "Provided that in the case of occupation without title which are in existence after 1st January, 2020, the rent shall be determined in accordance with the Private Residential Leases Act, 2019."

Amendment of article 1536 of the Civil Code. Cap. 16.

42. Article 1536 of the Civil Code shall be amended as follows:

(a) in the proviso of sub-article (1) thereof, the words "of one term only." shall be substituted by the words "of one term only:" and immediately thereafter there shall be added the following new proviso:

Act No. XXVIII of 2019. "Provided further that in case of private residential leases under the Private Residential Leases Act, 2019, the lease shall be deemed to be renewed in accordance with the said Act."; and

(b) in sub-article (2) thereof, the words "1st January, 2010." shall be substituted by the words "1st January, 2010:" and immediately thereafter there shall be added the following new proviso:

Act No. XXVIII of 2019. "Provided that private residential leases under the Private Residential Leases Act, 2019 shall be regulated in accordance with the said Act."

Amendment of article 1541 of the Civil Code. Cap. 16.

43. In sub-article (1) of article 1541 of the Civil Code, immediately after the words "under such conditions as the" there shall be added the words "Adjudicating Panel for Private Residential Leases, the".

Amendment of article 1566 of the Civil Code. Cap. 16.

44. In article 1566 of the Civil Code, the words "notice to the other." shall be substituted by the words "notice to the other:" and immediately thereafter there shall be added the following new proviso:

Act No. XXVIII of 2019. "Provided that private residential leases under the Private Residential Leases Act, 2019, shall be regulated in accordance with the said Act."

Amendments to the Reletting of Urban Property (Regulation) Ordinance. Cap. 69.

45. The Reletting of Urban Property (Regulation) Ordinance shall be amended as follows:

(a) in sub-article (4) of article 16 thereof, immediately after the words "where such leases have expired" there shall be added the words "after the termination of the rent, and any damages resulting during such period of occupation:";

(b) immediately after sub-article (4) of article 16 thereof, there shall be added the following new proviso and new paragraph:

"Provided that matters relating to the validity of a contract of lease, shall be examined by the courts of civil jurisdiction, so however, that any other matter following the determination of such matters relating to validity shall fall under the competence of the Rent Board.

The Rent Board shall also have the competence to decide demands related to maintenance, repairs, defects and faults of the tenement including latent ones, damages or improvements, amounts due for water and electricity and any amount left by way of security deposit by the tenant, where such demands are included in other demands or pleas made before the Board, over which the Adjudicating Panel has no jurisdiction.";

(c) in sub-article (1) of article 16A thereof, immediately after paragraph (a) there shall be added the following new proviso:

"Provided that when the demand for eviction is made with a claim for rent or any other consideration due or damages for any compensation, the Rent Board shall decide the demand for eviction at the first hearing before deciding any other demands made by the applicant:";

(d) in sub-article (4) of article 16A thereof, immediately after the words "any executive officer of the courts" there shall be added the words "after judicial hours"; and

(e) immediately after article 16A thereof, there shall be added the following new article:

"Board shall not determine causes relative to leases that are not registered.
Act No. XXVIII of 2019.
Act No. XXVIII of 2019.

16B. The Board shall not deal with any demand made by either party to the lease, if the agreement, contracted after the entry into force of the Private Residential Leases Act, 2019, is not registered in accordance with article 4 of the Private Residential Leases Act, 2019:

Provided that the Board shall not have jurisdiction to determine any demand made by either party to a lease entered into after the 1st June, 1995, but before the coming into force of the Private Residential Leases Act, 2019, which is renewed or extended beyond the 1st January, 2021, and which is not registered in accordance with article 5 of the Private Residential Leases Act, 2019."

Act No.
XXVIII of
2019.

Act No.
XXVIII of
2019.

Amendments to
the Housing
Authority Act.
Cap. 261.

46. Immediately after article 4 of the Housing Authority Act, there shall be added the following new articles:

"Monitoring
of Private
Residential
Leases.
Act No.
XXVIII of
2019.

4A. (1) The Authority shall have the function to monitor all activities and private residential leases falling within the scope of the Private Residential Leases Act, 2019, to ensure that all such private residential leases are in accordance with the requirements of the said Act and may for such purpose request and obtain the assistance of the Police Force, any department of Government or any agency of Government.

(2) The Authority shall specifically be entitled to monitor:

(a) such private residential leases entered into after the entry into force of the said Act;

(b) any occupation without title according to article 20 of the said Act existing after the coming into force of the said Act:

Provided that the onus of proof that any rental activity is not in compliance with rules in force at the time is on the Authority:

Provided further that the Authority shall have the right to represent any occupant without title in any proceedings under article 21 of the Private Residential Leases Act, 2019.

Act No.
XXVIII of
2019.

Organisation
of
Adjudicating
Panel for
Private
Residential
Leases.

4B. The Authority shall also administer and organise the Adjudicating Panel for private residential leases and assume administrative control of its officers and employees."

Passed by the House of Representatives at Sitting No. 274 of the
5th November, 2019.

ANĠLU FARRUGIA

Speaker

RAYMOND SCICLUNA

Clerk of the House of Representatives

VERŻJONI ELETTRONIKA