

**Nru. 36**

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**MALTA****KAMRA TAD-DEPUTATI****HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Ligi mressaq mill-Onorevoli Joseph Cassar, M.P., Deputat Prim Ministru Anzjan u Ministru tal-Gustizzja u Affarijiet tal-Parlament, u moqri għall-Ewwel Darba fis-Seduta ta' l-14 ta' Frar, 1983.

ATT biex jipprovdi għat-twaqqif ta' arei għall-iżvilupp tal-bini, għall-akkwist u għat-trasferiment ta' art li tkun tinsab fihom u biex ikun jista' aktar jiġi regolat l-iżvilupp tal-bini.

A BILL introduced by the Honourable Joseph Cassar, M.P., Senior Deputy Prime Minister and Minister of Justice and Parliamentary Affairs, and read the First time at the Sitting of the 14th February, 1983.

AN ACT to make provision for the establishment of building development areas, for the acquisition and disposal of land contained therein and for the further regulation of building development.

**C. MIFSUD***Skrivan tal-Kamra tad-Deputati***C. MIFSUD***Clerk to the House of Representatives*

## ABBOZZ TA' LIĠI

### msejjah

*ATT biex jipprovi għat-twaqqif ta' arei għall-iżvilupp tal-bini, għall-akkwist u għat-trasferiment ta' art li tkun tinsab fihom u biex ikun jista' aktar jiġi regolat l-iżvilupp tal-bini.*

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

Titolu fil-qosor. 1. Dan l-Att jista' jissejjaħ l-Att ta' l-1983 dwar Arei għall-Iżvilupp tal-Bini.

Tifsir. 2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma teħtiegħ xort'oħra —

“art għall-bini” għandha l-istess tifsir kif mogħti lilha bl-artikolu 4 ta' dan l-Att;

“art mibnija” tfisser kuil area li għal medda kontinwa ta' 150 jarda (137 metru) tal-faċċata tagħha fuq kull naħa tat-triq, jekk it-triq tkun tista' tiġi żviluppata fuq iż-żewġ naħat, jew 300 jarda (274 metru) jekk it-triq tkun tista' tiġi żviluppata fuq naħa waħda biss, ikollha mill-inqas ħamsin fil-mija okkupata bil-bini;

“bini ġdid” tfisser bini mibni wara l-erbatax ta' Frar, 1983;

“Bord ta' Arbitraġġ dwar Artijiet” tfisser il-Bord imwaqqaf bi-artikolu 21 ta' l-Ordinanza;

“Kodiċi” tfisser il-Kodiċi tal-Liġijiet tal-Pulizija;

“Kummissarju” tfisser il-Kummissarju ta' l-Artijiet;

“Ministru” tfisser il-Ministru responsabbli għax-xogħlijiet, u għall-fini ta' l-għoti ta' xi awtorizzazzjoni taħt dan l-Att tinkludi kull persuna delegata bil-miktub mill-Ministru għal dak l-għan;

“Ordinanza” tfisser l-Ordinanza dwar l-Akkwist ta' Artijiet għal Skopijiet Pubbliċi;

“Strixxa Ħadra” għandha t-tifsir mogħti lilha bis-subartikolu (2) ta’ l-artikolu 12 ta’ dan l-Att.

3. (1) Il-Ministru jista’ minn żmien għal żmien jiddikjara kull art f’Malta biex tkun Area għall-Iżvilupp tal-Bini u għandu jiddeskrivi dik l-area b’dak il-mod li jidheriu xieraq:

Arei għall-Iżvilupp tal-Bini.

Iżda ebda art meqjusa bħala art għall-bini skond l-artikolu 4 ta’ dan l-Att jew l-artikolu 17 ta’ l-Ordinanza ma tkun inkluża f’Area għall-Iżvilupp tal-Bini.

(2) Meta xi art tkun giet dikjarata bħala Area għall-Iżvilupp tal-Bini kif provdut fis-subartikolu (1) ta’ dan l-artikolu, il-Ministru għandu jieħu ħsieb li d-dikjarazzjoni titqiegħed quddiem il-Kamra biex tiġi kunsidrata minnha.

(3) Il-Kamra tista’ b’riżoluzzjoni jew tadotta jew tiċhad dik id-dikjarazzjoni jew tista’ tapprova dik id-dikjarazzjoni b’kull modifika li jidherilha xieraq li tagħmel.

(4) Meta l-Kamra tadotta jew tapprova d-dikjarazzjoni kif provdut fis-subartikolu (3) ta’ dan l-artikolu, l-Iskrivan tal-Kamra għandu jieħu ħsieb li kopja tar-riżoluzzjoni tiġi pubblikata fil-Gazzetta u d-Direttur tax-Xogħlijiet għandu jieħu ħsieb li kopja ta’ dik ir-riżoluzzjoni flimkien ma’ kull pjanti jew dokumenti mehmuża magħha jitqiegħdu għall-wiri fid-Dipartiment tax-Xogħlijiet f’post aċċessibbli għall-pubbliku waqt il-finijiet normali tax-xogħol tad-Dipartiment.

(5) Kull dikjarazzjoni magħmula mill-Ministru u adottata jew approvata mill-Kamra, tista’ tiġi emendata jew revokata b’dikjarazzjoni oħra magħmula mill-Ministru u d-disposizzjonijiet tas-subartikoli (2), (3) u (4) u tal-proviso għas-subartikolu (1) ta’ dan l-artikolu għandhom *mutatis mutandis* japplikaw għal dikjarazzjoni magħmula taħt dan is-subartikolu.

4. (1) Art titqies li hi art għall-bini għall-finijiet ta’ dan l-Att jekk ikollha faċċata fuq triq li ġa tezisti u tkun qiegħda f’area mibnija jew, bla ħsara għall-paragrafu (2) ta’ dan l-artikolu tkun qiegħda f’distanza ta’ mhux iżjed minn 100 jarda (91 metru) minn area mibnija, li għandha titkejjel tul l-assi tat-triq.

Meta art titqies art għall-bini.

(2) Biex tiġi stabbilita jekk art hix art għall-bini minħabba l-fatt li tkun qiegħda f’distanza ta’ mhux iżjed minn 100 jarda (91 metru) minn area mibnija, għandu jittiehed kont għat-tkabbir immedjat li aktarx isir ta’ l-area mibnija fid-direzzjoni ta’ l-art in kwistjoni.

(3) Art li tidhol fit-tifsir tas-subartikoli (1) u (2) ta’ dan l-artikolu għandha titqies li tkun art għall-bini sa fond l-aktar ta’ 12-il qasba (25 metru).

5. (1) B’senh mid-data tal-pubblikazzjoni tar-riżoluzzjoni tal-Kamra msemmija fis-subartikolu (4) ta’ l-artikolu 3 ta’ dan l-Att, l-art kollha li tkun f’Area għall-Iżvilupp tal-Bini għandha, bis-saħħa ta’ dan l-Att u mingħajr il-ħtieġa ta’ xi formalità oħra meħtieġa b’ligi, titqies għall-finijiet u effetti kollha ta’ din il-ligi u ta’ kull ligi oħra li hi art akkwistata għal skop pubbliku b’xiri assolut u bi proprjetà assoluta, libera u franka minn kull piż, ipoteka jew privileġġ taħt id-dispożizzjonijiet ta’ l-Ordinanza, u ma’ dan, dawk id-dispożizzjonijiet kollha ta’ l-Ordinanza li m’humieix inkompatibbli ma’ dan l-Att għandhom ikomplu japplikaw għal dik l-art bl-istess mod u taħt l-istess kondizzjonijiet daqslikieku l-art giet akkwistata għal skop pubbliku b’xiri assolut taħt l-Ordinanza.

Esproprijazzjoni ta’ art wara publikazzjoni ta’ dikjarazzjoni fil-Gazzetta.

(2) B'señh mid-data tal-pubblikazzjoni tar-riżoluzzjoni tal-Kamra msemmija fis-subartikolu li jaħbat minnufih qabel dan, il-kiri kollu li għalih l-art setgħet kienet sugġetta qabel il-pubblikazzjoni tar-riżoluzzjoni għandu, minkejja d-dispożizzjonijiet ta' l-Att ta' l-1967 dwar it-Tiġdid ta' Kiri ta' Raba', bis saħħa ta' dan l-Att jintemm mingħajr il-ħtieġa ta' xi formalità oħra meħtieġa b'liġi u ma' dan, daww id-dispożizzjonijiet ta' l-Ordinanza, b'mod partikolari d-dispożizzjonijiet ta' l-artikolu 19A ta' l-Ordinanza għandhom japplikaw għall-ħlas tal-kumpens mill-Kummissarju lill-kerrej.

Att XVI  
ta' l-1967

(3) Kull persuna li jkollha jedd fuq jew interess fl-art li għaliha japplika dan l-artikolu, ikollha l-jedd li tmur quddiem il-Bord ta' Arbitraġġ dwar Artijiet u l-Qorti Ċivili Prim'Awla sabiex jiġi deċiż il-jedd tagħha fuq jew l-interess f'dik l-art, l-ammont ta' kull kumpens li jista' jkollha jedd għalih u sabiex tikseb il-ħlas għal dak il-kumpens; u d-dispożizzjonijiet kollha tal-liġi dwar il-proċeduri quddiem il-Bord ta' Arbitraġġ dwar Artijiet u l-Qorti Ċivili Prim'Awla f'kazijiet ta' akkwist ta' artijiet għal skop pubbliku għandhom, *mutatis mutandis*, japplikaw għal proċeduri li jittieħdu minn dik il-persuna quddiem il-Bord ta' Arbitraġġ dwar Artijiet jew il-Qorti Ċivili Prim'Awla taħt dan l-Att, skond il-każ, u l-imsemmija Bord ta' Arbitraġġ dwar Artijiet u l-Qorti Ċivili Prim'Awla jkunu veštiti b'gurişdizzjoni f'kazijiet bħal dawn:

Iżda dik il-persuna jkollha d-dritt għal appell quddiem il-Qorti ta' l-Appell minn kull deċiżjoni tal-Bord ta' Arbitraġġ dwar Artijiet u tal-Qorti Ċivili Prim'Awla; u d-dispożizzjonijiet kollha tal-liġi dwar il-proċeduri għal appelli minn deċiżjonijiet tal-Qorti Ċivili Prim'Awla, għandhom japplikaw għal proċeduri li jittieħdu minn dik il-persuna f'appell taħt dan l-Att u l-imsemmija Qorti ta' l-Appell tkun veštita b'gurişdizzjoni f'kazijiet bħal dawn.

Stima ta' art.

6. Kull art għandha tiġi stmata għall-fini tal-kumpens li għandu jithallas skond l-artikolu 5 ta' dan l-Att bħala raba' jew moxa skond il-każ.

Kumpens għal  
art mixtrija  
qabel l-erbatax  
ta' Frar, 1983.

7. Minkejja kull dispożizzjoni oħra ta' dan l-Att meta persuna jkollha jedd fuq jew interess f'xi art li għaliha japplika l-artikolu 5 ta' dan l-Att tipprova b'dokumenti li dik l-art tkun giet akkwistata *bona fide* minnha qabel l-erbatax ta' Frar, 1983, bi prezz oġġla mill-kumpens li xort'oħra kien jithallas skond l-Ordinanza, il-Kummissarju għandu skond *policy* magħmula mill-Ministru, jew iħallas dak il-prezz oġġla bħala kumpens, jew minkejja d-dispożizzjonijiet ta' l-Att ta' l-1976 dwar it-Trasferiment ta' Artijiet tal-Gvern jittrasferixxi b'dak il-prezz oġġla l-art lura lil dik il-persuna:

Att XXXIII ta'  
l-1976

Iżda jekk il-Kummissarju jagħzel li jittrasferixxi l-art lura lil dik il-persuna l-ispejjeż kollha dwar dak it-trasferiment, u l-ispejjeż kollha li setgħu saru f'xi proċedimenti minħabba dan l-Att minn dik il-persuna, għandhom jithallsu mill-Kummissarju.

Meta ma  
japplikax  
l-artikolu 5  
ta' dan l-Att.

8. Id-dispożizzjonijiet ta' l-artikolu 5 ta' dan l-Att ma japplikawx għal —

(a) bini li diġa' jeżisti (barra minn bini li jokkupa art ta' area ta' inqas minn tmintax-il metru kwadru) sew jekk komplut sew jekk għadu qed jinbena jekk, fl-aħħar każ, permess għal dak il-bini fid-data tad-dikjarazzjoni ta' l-art bħala Area għall-Iżvilupp tal-Bini, ikun għadu fis-señh skond id-dispożizzjonijiet ta' xi regolamenti magħmula taħt il-Kodiċi; jew

(b) art li dwarha permess għall-bini jkun għadu fis-sehħ, fid-data tad-dikjarazzjoni ta' l-art bħala Area għall-Iżvilupp tal-Bini, skond id-dispożizzjonijiet ta' xi regolamenti magħmula taħt il-Kodiċi; jew

(ċ) art użata bħala barriera.

9. Kemm jista' jkun malajr wara l-pubblikazzjoni tar-risoluzzjoni tal-Kamra msemmija fis-subartikolu (4) ta' l-artikolu 3 ta' dan l-Att u f'kull każ mhux iktar tard minn tliet xhur minn dik il-pubblikazzjoni, il-Kummissarju għandu jiehu hsieb li jiġi registrat fir-Registru ta' l-Artijiet, l-akkwist ta' dik l-art mill-Gvern, u għall-finijiet kollha ta' l-Att ta' l-1981 dwar ir-Registrazzjoni ta' Artijiet, l-artijiet kollha inklużi f'Area għall-Iżvilupp tal-Bini għandhom jitqiesu li huma area dikjarata bħala area ta' registrazzjoni.

Registrazzjoni ta' akkwist fir-Registru ta' l-Artijiet.

Att XXXV ta' l-1981

10. Kemm jista' jkun malajr wara l-pubblikazzjoni tar-risoluzzjoni tal-Kamra msemmija fis-subartikolu (4) ta' l-artikolu 3 ta' dan l-Att, il-Kummissarju għandu jipprezenta kopja ta' dik ir-risoluzzjoni (flimkien ma' partikolaritajiet biżżejjed biex l-art tkun tista' tingħaraf) fir-Registru tal-Bord ta' Arbitraġġ dwar Artijiet, u għandu jiehu hsieb li kopja tagħha tiġi notifikata permezz ta' dak il-Bord bil-mod preskritt bil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili lil kull persuna, li jkollha jedd fuq jew interess fl-art li għaliha tirreferi r-risoluzzjoni, li l-Kummissarju jkun jaf bl-eżistenza u bl-identità tagħha.

Notifika ta' kopja ta' risoluzzjoni mill-Kummissarju.

Kap. 15

11. (1) Il-jedd li jiġi riċevut kumpens għal akkwist magħmul bis-saħħa ta' l-artikolu 5 ta' dan l-Att (hawnhekk iżjed 'il quddiem imsejjaħ "Il-Jeddijiet għal Kumpens") għandu għall-finijiet kollha tal-liġi, jitqies li hu jedd immobbli minhabba l-oġġett li għalih jirreferi u jkun trasferibbli skond il-liġi skond kif jagħżel minn żmien għal żmien is-sid ta' dawk il-Jeddijiet għal Kumpens.

Jeddijiet għal kumpens jitqiesu li huma immobbli.

(2) Kull piż, ipoteka jew privileġġ li qabel ir-risoluzzjoni tal-Kamra msemmija fis-subartikolu (4) ta' l-artikolu 3 ta' dan l-Att, kien jaggrava xi art li tkun f'Area għall-Iżvilupp tal-Bini, għandu jkompli jaggrava l-Jeddijiet għal Kumpens li jirreferu għal dik l-art, bl-istess grad u skond l-istess preċedenza kif kienu jaggravaw l-art.

12. (1) Meta l-Ministru b'ordni ppublikat fil-Gazzetta jiddikjara li l-art akkwistata mill-Gvern taħt id-dispożizzjonijiet ta' l-artikolu 5 ta' dan l-Att għandha tiġi trasferita għall-iżvilupp dak it-trasferiment għandu jsir jew favur l-Awtorità tad-Djar kif provdut fl-Att ta' l-1976 dwar l-Awtorità tad-Djar, jew għandu jsir b'bejgħ u bil-mod provdut fl-Att ta' l-1976 dwar it-Trasferiment ta' Artijiet tal-Gvern, u dak it-trasferiment m'għandux isir kemm-il darba dwar dik l-art ma jkunx sar Pjan għall-Iżvilupp għall-Bini mill-Ministru:

Trasferiment ta' art akkwistata bis-saħħa ta' dan l-Att.

Att XV ta' l-1976

Iżda s-subartikolu (2) ta' l-artikolu 3 ta' l-Att ta' l-1976 dwar it-Trasferiment ta' Artijiet tal-Gvern ma japplikax għal risoluzzjoni li tapprova *policy* li tapplika għal art kif imsemmi f'dan l-artikolu:

Iżda wkoll kemm jista' jkun f'kull *policy* magħmula skond l-Att ta' l-1976 dwar it-Trasferiment ta' Proprjetà tal-Gvern għandu jiġi provdut li f'bejgħ magħmul skond dan l-artikolu, għandha tingħata preferenza li dawk li kienu s-sidien ta' l-art minnufih qabel ma' din tkun giet dikjarata bħala Area għall-Iżvilupp tal-Bini, għall-akkwist ta' biċċa art li fuqha tinbena dar ta' abitazzjoni biex tkun okkupata minn dak is-sid,

(2) Kull Pjan għall-Iżvilupp tal-Bini msemmi fis-subartikolu (1) ta' dan l-artikolu għandu jipprovdi għall-holqien ta' *area* (hawnhekk iżjed 'il quddiem imsejha "Strixxa Ħadra") ta' mhux inqas minn mitt metru wisa', ma' tul u għewwa l-konfini ta' l-Area għall-Iżvilupp tal-Bini u ma jista' jitle' ebda bini fuq dik l-Istrixxa Ħadra:

Iżda ebda strixxa ħadra ma tkun meħtieġa bejn il-konfini ta' Area għall-Iżvilupp tal-Bini u Area għall-Iżvilupp tal-Bini oħra, jew bejn il-konfini ta' Area għall-Iżvilupp tal-Bini u area mibnija:

Iżda wkoll meta tkun teżisti strixxa ħadra ma' tul il-konfini ta' Area għall-Iżvilupp tal-Bini u dik l-Area għall-Iżvilupp tal-Bini tiġi estiżta fuq art li tkun tmiss magħha, id-disposizzjonijiet ta' dan is-sub-artikolu ma jkunux japplikaw iktar għall-konfini originali ta' l-Area għall-Iżvilupp tal-Bini iżda għandhom hekk japplikaw għall-konfini ta' l-Area għall-Iżvilupp tal-Bini kif estiżi.

(3) Il-prezz li bih art f'Area għall-Iżvilupp tal-Bini għandha tinbiegħ skond is-subartikolu (1) ta' dan l-artikolu għandu jiġi stabbilit mill-Ministru; hekk iżda kemm jista' jkun il-prezz għandu jiġi stabbilit bit-tqassim ekwu tal-kost ta' l-akkwist ta' l-art f'Area għall-Iżvilupp tal-Bini, li miegħu jingħadd kull kumpens li jkollu jiġihallas lill-kerreġja tagħha, miżjud bi tmienja fil-mija għal kull sena jew parti minnha li matulha dik l-art tinzamm mill-Gvern, bejn id-diversi biċċiet ta' art offerti għall-bejgħ kif intqal qabel.

(4) Għall-finijiet ta' dan l-artikolu, "sid" dwar art miżmuma b'enfitewsi jew b'sub-enfitewsi tfisser persuna li jkollha l-utili dominju jew is-subutili dominju ta' dik l-art u tinkludi kull persuna li lilha jiġi t-titlu mingħand is-sid *causa mortis*.

Projbizzjoni ta' żvilupp barra Arei għall-Iżvilupp tal-Bini.

**13.** Minkejja l-għoti ta' xi permess jew awtorità taħt xi liġi oħra, b'effett mill-bidu fis-seħħ ta' dan l-Att, ebda persuna ma tista' tibni bini ġdid fuq xi art f'Malta li ma tkunx dikjarata bħala Area għall-Iżvilupp tal-Bini skond l-artikolu 3 ta' dan l-Att.

Il-Ministru jista' jawtorizza li jinbena bini barra Arei għall-Iżvilupp tal-Bini.

**14.** Minkejja d-disposizzjonijiet ta' l-artikolu 13 ta' dan l-Att, il-Ministru, li jaġixxi fuq policy approvata b'riżoluzzjoni tal-Kamra, jista' jawtorizza li jinbena bini fuq art sitwata barra Area għall-Iżvilupp tal-Bini fil-każijiet li ġejjin:

(a) fuq art meqjusa bħala art għall-bini skond l-artikolu 4 ta' dan l-Att; jew

(b) meta l-bini li jkun se jinbena jkun imbiegħed fuq in-naħat kollha minn art għall-bini u minn kull Area għall-Iżvilupp tal-Bini, b'mhux inqas minn mitt metru u ma jkunx se jakkomoda iktar minn żewġ familji; jew

(ċ) meta l-bini li jkun se jinbena jkun maħsub għal użu industrijali, agrikolu, kummerċjali, reliġjuż, kulturali jew filantropiku; jew

(d) meta tkun maħsuba l-modifika jew estensjoni ta' bini li diġa' jeżisti u dik il-modifika jew estensjoni ma żżidx in-numru ta' familji li jistgħu jiġu akkomodati f'dak il-bini għal iktar minn żewġ familji; jew

(e) meta l-bini l-ġdid ikun se jinbena fuq art li qabel kienet okkupata minn bini ieħor, u l-bini l-ġdid ma jkunx se jakkomoda iktar familji mill-bini li qabel kien jokkupa l-art, jew il-bini l-ġdid ma jkunx se jakkomoda iktar minn żewġ familji; jew

(f) meta l-bini jkun se jinbena fuq art b'faċċata fuq triq u li tkun imbegħda minn xi bini b'mhux aktar minn mitt metru.

Iżda fi-approvazzjoni ta' policy, il-Kamra għandha tikkunsidra l-ħtiġiet ta' l-ambjent, ekoloġiċi u agrikoli ta' Malta.

15. Id-disposizzjonijiet ta' l-artikolu 13 ta' dan l-Att ma japplikawx għal bini li jkun proprjetà tal-Gvern, jew għal bini li jkun beda jinbena qabel l-erbatax ta' Frar, 1983 u li dwaru jkun hemm permess fis-sehħ f'dik id-data, skond xi regolamenti magħmula taħt il-Kodiċi.

Bini li għalih ma tapplikax il-projbizzjoni ta' l-artikolu 13.

16. Permess sabiex jinbena xi bini mogħti skond id-disposizzjonijiet ta' xi regolament magħmul taħt il-Kodiċi jew awtorizzazzjoni mogħtija skond dan l-Att ma jkunux trasferibbli.

Permessi u awtorizzazzjonijiet ma jkunux trasferibbli.

17. (1) Kull persuna li tibni xi bini bi ksur tad-dispożizzjonijiet ta' dan l-Att tkun ħatja ta' reat kontra dan l-Att u teħel meta tinsab ħatja multa ta' mhux inqas minn mitt lira Maltija u mhux iżjed minn elf lira Maltija.

Reati u pieni.

(2) Il-Qorti għandha barra minn dan fuq talba tal-prosekuzzjoni tordna lil min jagħmel ir-reat biex iwaqqa' kull bini mibni bi ksur ta' dan l-Att u għandha tistabilixxi żmien li matulu għandu jsir dak it-twaqqiġ, u fin-nuqqas ta' dan, il-Qorti tista' tawtorizza lill-Kummissarju biex iwaqqa' l-imsemmi bini għas-spejjeż tal-ħati tar-reat.

(3) Meta ma tkunx tista' tittieħed l-azzjoni kriminali msemmija fis-subartikoli (1) u (2) ta' dan l-artikolu kontra xi persuna min-ħabba l-mewt tal-ħati tar-reat jew min-ħabba xi impediment legittimu ieħor, jew meta l-persuna akkużata tiġi liberata mill-akkuża jew meta ma jkunx magħruf min għamel ir-reat, u l-Qorti tkun sodisfatta li jkun inbena bini bi ksur ta' dan l-Att, il-Qorti tista' tawtorizza lill-Kummissarju biex iwaqqa' l-imsemmi bini wkoll għas-spejjeż tas-sid:

Iżda l-Qorti m'għandhiex hekk tawtorizza t-twaqqiġ tal-bini mingħajr ma tisma' lis-sid, jew jekk is-sid ma jkunx magħruf jew ma jkunx jista' jidher, mingħajr ma tisma' lill-kuratari li jigu maħtura skond il-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili biex jirrapprezentaw lil dak is-sid jew lis-sid mhux magħruf skond il-każ.

(4) Meta persuna tkun instabet ħatja ta' reat kontra dan l-Att il-Qorti għandha b'żieda ma' kull piena oħra tordna l-konfiska favur il-Gvern ta' kull bini mtella' bi ksur ta' dan l-Att u l-art li fuqha dan il-bini jkun ġie mtella':

Iżda meta ebda waħda mill-persuni misjuba ħatja kif intqal qabel ma tkun is-sid assolut jew komproprjetarju jew is-sid tan-nuda proprjetà ta' l-art, u l-ħati tar-reat ikollu l-art b'titolu ieħor, il-Qorti tista' tordna l-konfiska ta' dak it-titlu favur il-Gvern.

18. Il-Ministru jista' jagħmel regolamenti biex jagħti effett aħjar id-disposizzjonijiet ta' dan l-Att u bla ħsara għall-generalità ta' dak li ntqal qabel, jista' b'dawk ir-regolamenti —

Setgħa għall-egħmil ta' regolamenti.

(a) jippreskrivi l-forma ta' kull applikazzjoni magħmula jew awtorizzazzjoni mogħtija taħt dan l-Att;

(b) jippreskrivi liema dokumenti għandhom jigu pprezentati ma' kull applikazzjoni taħt dan l-Att;

(c) jippreskrivi d-drittijiet li jistgħu jithallsu għal xi servizz li jista' jsir taħt dan l-Att.

Riżerva.

19. Ebda haġa li tinsab f'dan l-Att ma għandha tiftiehem li teżenta lil xi persuna milli tikseb xi permess jew awtorizzazzjoni taħt id-dispożizzjonijiet ta' xi liġi oħra dwar il-bini.

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### Għanijiet u Raġunijiet

L-għan ta' dan l-Abbozz huwa li jkun iktar faċli għaċ-ċittadini kollha li jakkwistaw art li fuqha jkun jistgħu jibnu r-residenza tagħhom bi prezz li dik l-art kienet iġġib qabel ma tkun giet dikjarata li tista' tingħata għall-iżvilupp. L-Abbozz ineħħi l-proċeduri twal meħtieġa b'liġijiet oħra sabiex art tiġi akkwistata mill-Gvern u wara trasferita. Għal dan l-għan l-Abbozz jipprovdi li mill-Kamra jiġu approvati dikjarazzjonijiet li jiddikjaraw Arei ta' Żvilupp għall-Bini fejn ikun jista' jiġi żviluppat il-bini, għall-akkwist ta' dik l-art mill-Gvern u għat-tqassim ta' dik l-art mill-Gvern skond *policy* approvata mill-Kamra.

L-Abbozz fil-waqt li jiżgura li jkomplu l-impiegi fl-industrja tal-bini, jipprovdi sabiex ma jkunx hemm spekulazzjoni ta' l-art li tagħmilha impossibbli għaċ-ċittadin li jakkwista art.

**A BILL**  
**entitled**

*AN ACT to make provision for the establishment of building development areas, for the acquisition and disposal of land contained therein and for the further regulation of building development.*

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

1. This Act may be cited as the Building Development Areas Act, Short title.  
1983.

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

“building site” has the meaning assigned to it in section 4 of this Act;

“built-up area” means an area which for a continuous stretch of 150 yards (137 metres) of its frontage on either side of the street, if the street is developable on both sides, or 300 yards (274 metres) if the street is developable on one side only, is at least fifty per centum occupied by buildings;

“Code” means the Code of Police Laws; Cap. 13

“Commissioner” means the Commissioner of Land;

“Green Belt” has the meaning assigned to it in subsection (2) of section 12 of this Act;

“Land Arbitration Board” means the Board constituted by section 21 of the Ordinance;

“Minister” means the Minister responsible for works, and for the purpose of the grant of any authorisation under this Act includes any person delegated in writing by the Minister for such purpose;

“new building” means a building constructed after the fourteenth day of February, 1983;

“Ordinance” means the Land Acquisition (Public Purposes) Ordinance.

Building Development Areas.

3. (1) The Minister may from time to time declare any land in Malta to be a Building Development Area and shall define such area in such manner as he may deem fit:

Provided that no land considered to be a building site in accordance with section 4 of this Act or section 17 of the Ordinance shall be included in a Building Development Area.

(2) Where any land has been declared to be a Building Development Area as is provided in subsection (1) of this section, the Minister shall cause the declaration to be placed before the House for consideration by it.

(3) The House may by resolution adopt or reject such declaration or may approve such declaration with any modification as it may deem fit to make.

(4) Where the House adopts or approves the declaration as is provided in subsection (3) of this section, the Clerk of the House shall cause a copy of the resolution to be published in the Gazette and the Director of Works shall cause a copy of such resolution together with any plans or documents attached thereto to be exhibited at the premises of the Department of Works in a place accessible to the public during normal office hours of the Department.

(5) Any declaration made by the Minister and adopted or approved by the House, may be amended or revoked by another declaration made by the Minister and the provisions of subsections (2), (3) and (4) and of the proviso to subsection (1) of this section shall (*mutatis mutandis*) apply to a declaration made under this subsection.

When land is considered a building site.

4. (1) Land shall be deemed to be a building site for the purposes of this Act if it has a frontage on an existing street and is situate within a built-up area or, subject to paragraph (2) of this section within a distance of not more than 100 yards (91 metres) of a built-up area, measured along the axis of the street.

(2) In determining whether land is a building site by reason of the fact that it is situate within a distance of not more than 100 yards (91 metres) of a built-up area regard shall be had to the probable immediate expansion of the built-up area in the direction of the land in question.

(3) Land falling within the definition of subsections (1) and (2) of this section shall be deemed to be a building site to a maximum depth of 12 canes (25 metres).

Expropriation of land following publication of declaration in the Gazette.

5. (1) With effect from the date of the publication of the resolution of the House referred to in subsection (4) of section 3 of this Act, all land within a Building Development Area shall, by virtue of this Act and without the necessity of any other formality required by law, be deemed for all intents and purposes of this and of any other law to be land acquired for a public purpose by absolute purchase in full ownership, free and unencumbered from any charge, hypothec or privilege under the provisions of the Ordinance, and thereupon all the provisions of the Ordinance which are not incompatible with this Act shall continue to apply to such land in the same manner and under the same conditions as if the land had been acquired for a public purpose by absolute purchase under the Ordinance.

(2) With effect from the date of the publication of the resolution of the House referred to in the immediately preceding subsection, all leases to which the land may have been subject prior to the publication of the resolution shall, notwithstanding the provisions of the Agricultural Leases (Reletting) Act, 1967, by virtue of this Act be terminated without the necessity of any other formality required by law and thereupon the provisions of the Ordinance, in particular the provisions of section 19A of the Ordinance shall apply to the payment of compensation by the Commissioner to the tenant.

Act XVI of  
1967

(3) Any person having a right over or an interest in the land to which this section applies, shall be entitled to have access to the Land Arbitration Board and to the Civil Court First Hall for the purpose of determining his right over or interest in such land, the amount of any compensation to which he may be entitled and for the purpose of obtaining payment of that compensation; and all the provisions of law relating to proceedings before the Land Arbitration Board and the Civil Court First Hall in matters of acquisition of land for a public purpose shall, *mutatis mutandis*, apply to proceedings taken by such person before the Land Arbitration Board or the Civil Court First Hall under this Act, as the case may be; and the said Land Arbitration Board and the Civil Court First Hall shall be vested with jurisdiction in such matters:

Provided that a right of appeal to the Court of Appeal from any decision of the Land Arbitration Board and the Civil Court First Hall shall vest in such person; and all the provisions of law relating to proceedings for appeals from decisions of the Civil Court First Hall, shall apply to proceedings taken by such person in an appeal under this Act and the said Court of Appeal shall be vested with jurisdiction in such matters.

6. Any land shall be valued for the purpose of determining the compensation payable in accordance with section 5 of this Act as rural land or as waste land as the case may be.

Valuation of  
land.

7. Notwithstanding any other provision of this Act where a person having a right over or an interest in any land to which section 5 of this Act applies proves by documentary evidence that such land had been acquired *bona fide* by him prior to the fourteenth day of February, 1983, at a price higher than the compensation otherwise payable in accordance with the Ordinance, the Commissioner shall in accordance with a policy made by the Minister either pay such higher price as compensation, or notwithstanding the provisions of the Disposal of Government Land Act, 1976 transfer at such higher price the land back to such person:

Compensation  
for land  
purchase  
before  
fourteenth  
February,  
1983.

Act XXXIII of  
1976

Provided that if the Commissioner elects to transfer the land back to such person all expenses relative to such transfer, and all expenses that may have been incurred in any proceedings consequent to this Act by such person, shall be paid by the Commissioner.

8. The provisions of section 5 of this Act shall not apply to:

(a) an existing building (other than a building occupying land of an area of less than eighteen square metres) whether complete or in the process of construction if, in the latter case, a permit for its construction is on the date of the declaration of the land as a Building Development Area, still in force in accordance with the provisions of any regulations made under the Code; or

Non-  
applicability  
of section 5  
of this Act.

(b) land in relation to which a permit for the construction of a building is still in force, on the date of the declaration of the land as a Building Development Area, in accordance with the provisions of any regulations made under the Code; or

(c) land in use as a quarry.

Registration of acquisition at the Land Registry.

Act XXXV of 1981

9. As soon as may be after the publication of the resolution of the House referred to in subsection (4) of section 3 of this Act and in any case not later than three months from such publication, the Commissioner shall cause to be registered at the Land Registry, the acquisition of such land by the Government, and for all purposes of the Land Registration Act, 1981, all land comprised in a Building Development Area shall be deemed to be an area declared as a registration area.

Service of copy of resolution by Commissioner.

Cap. 15

10. As soon as may be after the publication of the resolution of the House referred to in subsection (4) of section 3 of this Act, the Commissioner shall file a copy of such resolution (together with particulars sufficient for the purpose of identifying the land) in the Registry of the Land Arbitration Board, and shall cause a copy thereof to be served through such Board in the manner prescribed by the Code of Organisation and Civil Procedure on every person, having a right over or an interest in the land to which the resolution refers, of whose existence and identity the Commissioner is aware.

Compensation rights to be deemed immovable.

11. (1) The right to receive compensation for an acquisition made in virtue of section 5 of this Act, (hereinafter referred to as "Compensation Rights") shall for all purposes of law, be deemed to be an immovable right by reason of the object to which it refers and shall be transferable according to law at the option of the owner from time to time of such Compensation Rights.

(2) Any charge, hypothec or privilege which prior to the resolution of the House referred to in subsection (4) of section 3 of this Act, attached to any land in a Building Development Area, shall continue to attach to the Compensation Rights referable to such land, with the same ranking and priority as they attached to the land.

Disposal of land acquired in virtue of this Act.

Act XV of 1976

12. (1) Where the Minister by order published in the Gazette declares that land acquired by the Government under the provisions of section 5 of this Act shall be disposed of for development such disposal shall be made either in favour of the Housing Authority as is provided in the Housing Authority Act, 1976, or shall be made by sale and in the manner provided for the Disposal of Government Land Act, 1976, and such disposal shall not be made unless in respect of such land a Building Development Plan has been made by the Minister:

Provided that subsection (2) of section 3 of the Disposal of Government Land Act, 1976 shall not apply to a resolution approving a policy applicable to land referred to in this section:

Provided further that as far as may be, in any policy made in accordance with the Disposal of Government Land Act, 1976 providing for the disposal of such land, provision shall be made that in any sale made in pursuance of this section, preference shall be given to the

owners of the land immediately prior to its declaration as a Building Development Area, for the acquisition of a plot of land on which to build a dwelling house to be occupied by such owner.

(2) Any Building Development Plan referred to in subsection (1) of this section shall provide for the creation of an area (hereinafter referred to as a "Green Belt") of not less than one hundred metres in width, along and inside the borders of the Building Development Area and no buildings may be erected on such Green Belt:

Provided that no Green Belt shall be required along the border between a Building Development Area and another Building Development Area, or along the border between a Building Development Area and a built-up area:

Provided further that where a Green Belt exists along the border of a Building Development Area and such Building Development Area is extended over land adjacent to it, the provisions of this subsection shall no longer apply to the original border of the Building Development Area but they shall so apply to the border of the Building Development Area as extended.

(3) The price for which land in a Building Development Area shall be sold in accordance with subsection (1) of this section shall be fixed by the Minister; however as far as may be the price shall be fixed by the equitable apportionment of the cost of the acquisition of the land in the Building Development Area to which shall be added any compensation payable to the tenants thereof, increased by eight per centum for every year or part thereof during which such land is retained by Government, between the various plots offered for sale as aforesaid.

(4) For the purposes of this section, "owner" in relation to land held in emphyteusis or sub-emphyteusis means the person holding the *utile dominium* or *sub-utile dominium* of such land and includes any person deriving title from the owner *causa mortis*.

**13.** Notwithstanding the grant of any permit or authority under any other law, with effect from the coming into force of this Act, no person may erect a new building on any land in Malta which is not declared to be a Building Development Area in accordance with section 3 of this Act.

Prohibition of development outside Building Development Areas.

**14.** Notwithstanding the provisions of section 13 of this Act, the Minister, acting in accordance with a policy approved by resolution of the House, may authorise the erection of buildings on land situate outside a Building Development Area in the following cases:

Minister may authorise the erection of buildings outside Building Development Areas.

(a) on land considered to be a building site in accordance with section 4 of this Act; or

(b) where the building to be constructed will be distant on all sides from any building site and from any Building Development Area, by not less than one hundred metres and will not accommodate more than two households; or

(c) where the building to be constructed is destined for an industrial, agricultural, commercial, religious, cultural or philanthropic use; or

(d) where a modification or an extension of an existing building is intended and such modification or extension does not increase the number of households that may be accommodated in such building to more than two households; or

(e) where a new building is to be constructed on a site formerly occupied by another building, and the new building will not accommodate more households than the building previously occupying the site, or the new building will not accommodate more than two households; or

(f) where the building is to be constructed on land having a frontage on a street and distant from any building by not more than 100 metres:

Provided that the House in approving a policy, shall take into consideration the environmental, ecological and agricultural requirements of Malta.

Buildings to which prohibition in section 13 does not apply.

15. The provisions of section 13 of this Act shall not apply to a building owned by the Government, or to a building the construction of which was commenced before the fourteenth day of February, 1983, and for which a permit was still in force on such date, in accordance with any regulations made under the Code.

Permits and authorisations not to be transferable.

16. A permit for the erection of any building granted in accordance with the provisions of any regulation made under the Code or an authorisation given in terms of this Act shall not be transferable.

Offences and penalties.

17. (1) Any person who constructs any building in contravention of the provisions of this Act shall be guilty of an offence against this Act and shall be liable on conviction to a fine (*multa*) of not less than one hundred Lira Maltija and not more than one thousand Lira Maltija.

(2) The Court shall moreover, at the demand of the prosecution, order the offender to demolish any building erected in contravention of this Act and shall fix a period within which such demolition is to be carried out, failing which, the Court may authorise the Commissioner to demolish the said building at the expense of the offender.

(3) Where the criminal action referred to in subsections (1) and (2) of this section cannot be taken against any person by reason of the death of the offender or any other lawful impediment, or where the person charged is acquitted of the charge or where the offender is not known, and the Court is satisfied that a building has been erected in contravention of this Act, the Court may at the demand of the prosecution authorise the Commissioner to demolish the said building even at the expense of the owner:

Provided that the Court shall not so authorise the demolition of the building without hearing the owner, or if the owner is not known or is unable to appear, without hearing the curators to be appointed in terms of the Code of Organisation and Civil Procedure to represent such owner or unknown owner as the case may be.

(4) Where a person has been found guilty of an offence against this Act, the Court shall in addition to any other punishment order the forfeiture in favour of the Government of any building erected in contravention of this Act and of the land on which the building was erected:

Provided that where none of the persons found guilty as afore-said is an absolute owner or co-owner or bare-owner of the land, and the offender holds it on any other title, the Court shall order the forfeiture of such title in favour of the Government.

**18.** The Minister may make regulations to give better effect to the provisions of this Act and without prejudice to the generality of the foregoing, may by such regulations: Power to make regulations.

(a) prescribe the form of any application made or authorisation given under this Act;

(b) prescribe the documents that shall be presented with any application under this Act;

(c) prescribe the fees that may be payable for any service that may be performed under this Act.

**19.** Nothing in this Act contained shall be construed as dispensing any person from obtaining any permit or authorisation under the provisions of any other law relating to the construction of buildings. Saving.

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### Objects and Reasons

The Object of this Bill is to make easily available to all citizens land upon which to build his own residence at a price which such land would have fetched before it is declared available for development. The Bill eliminates the lengthy procedures required under other laws for the acquisition of land by Government and its subsequent disposal. For this reason the Bill provides for declarations to be approved by the House designating Building Development Areas where buildings development is to take place, for the acquisition of such land by Government and for the distribution by Government of such land in accordance with a policy approved by the House.

The Bill while safeguarding the continued employment in the building industry, makes provision whereby speculation on land which makes it impossible for the citizen to acquire land, is prevented.