*Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 16,719, 11 ta' Diċembru, 1998*
*Taqsima C*

# Nru. 6

11. 12. 98

# MALTA

## KAMRA TAD-DEPUTATI

ABBOZZ ta' Liġi mressaq mill-Onorevoli Tonio Borg, M.P., Ministru ta' l-Intern, u moqri għall-Ewwel darba fis-Seduta tat-23 ta' Novembru, 1998.

**ATT biex jemenda l-Att dwar Proprjetà tal-Għadu (Kap. 179).**

RICHARD J. CAUCHI
*Skrivan tal-Kamra tad-Deputati*

## HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Tonio Borg, M.P., Minister for Home Affairs, and read the First time at the Sitting of the 23rd November, 1998.

**AN ACT to amend the Enemy Property Act (Cap. 179).**

RICHARD J. CAUCHI
*Clerk of the House of Representatives*

## ABBOZZ TA' LIĠI
## msejjaħ

*ATT biex jemenda l-Att dwar Proprjetà tal-Għadu (Kap. 179).*

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

**1.** Dan l-Att jista' jissejjaħ l-Att ta' l-1998 li jemenda l-Att dwar Proprjetà tal-Għadu, u għandu jinqara u jinftiehem ħaġa waħda ma' l-Att dwar Proprjetà tal-Għadu, hawnhekk iżjed 'il quddiem imsejjaħ "l-Att prinċipali". Titolu fil-qosor. Kap. 179.

**2.** Minnufih wara l-artikolu 3 ta' l-Att prinċipali, għandhom jiżdiedu dan l-artikolu ġdid u skeda ġdida kif ġej:– Żieda ta' l-artikolu 4 ġdid ma' l-Att prinċipali.

"Talbiet lill-Bord.

4 (1) Minkejja d-dispożizzjonijiet li jinsabu f'dan l-Att jew fl-Ordinanza, kull persuna li jkollha pretensjoni li tkun is-sid ta' proprjetà mobbli jew immobbli, li tkun amministrata mill-Kustodju, għandha, mhux aktar tard mill-31 ta' Diċembru, 2000, tissottometti talba lill-Kustodju li permezz tagħha turi li hi tkun l-għadu li għan-nom tagħha l-proprjetà tkun qiegħda tiġi amministrata jew li tkun il-persuna li jkollha jedd tagħmel it-talba f'isimha.

(2) Għandu jkun hemm bord (hawnhekk iżjed 'il quddiem imsejjaħ il-Bord), magħmul mill-Kustodju, li jkun *chairman*, u rappreżentanti tal-Kummissarju ta' l-Artijiet, ta' l-*Accountant General*, tas-Segretarju Permanenti fil-Ministeru

responsabbli mill-Affarijiet Barranin, u d-Direttur tal-Verifika, u dan għandu jeżamina dak kollu li jsir taħt is-subartikolu (1) ta' dan l-artikolu u jiddeċiedi dwaru.

(3) Id-deċiżjoni tal-Bord għandha tiġi notifikata lil min jagħmel it-talba permezz ta' att ġudizzjarju, u tista' tiġi appellata quddiem il-Qorti ta' l-Appell daqslikieku l-att ġudizzjarju kien sentenza tal-Qorti Ċivili, Prim'Awla, mogħtija fil-jum li fih l-att ġudizzjarju jkun ġie notifikat.

(4) Meta l-Bord jew il-Qorti ta' l-Appell, skond il-każ, jagħtu deċiżjoni favur min jagħmel it-talba, il-Kustodju jkollu l-jedd li jgħaddi l-proprjetà lil min jagħmel it-talba wara li jnaqqas minnha d-drittijiet u l-ispejjeż li l-Kustodju jkun ħallas fl-amministrazzjoni tal-proprjetà u r-radd tagħha lura.

(5) Il-Prim Ministru jista' permezz ta' regolamenti jistabbilixxi d-drittijiet li għandhom jitħallsu b'konnessjoni ma' talbiet quddiem il-Bord.

(6) Il-Bord għandu jirregola l-proċeduri tiegħu nnifsu, madankollu l-Bord għandu jassigura li min jagħmel it-talba jkollu opportunità xierqa li jissottometti t-talba tiegħu bil-miktub jew verbalment skond kif il-Bord jista' jiddeċiedi.

(7) B'seħħ mill-1 ta' Jannar, 2002, kull proprjetà amministrata mill-Kustodju li dwarha ma tkun saret ebda talba kif imsemmi qabel, jew jekk saret talba meta din tiġi miċħuda, għandha tgħaddi għand il-Gvern ta' Malta.

(8) Il-proprjetà li għaliha jirreferi dan l-artikolu tkun dik elenkata fl-Iskeda li tinsab ma' dan l-Att.

(Artikolu 4)
Appendiċi A

SKEDA

## UFFIĊĊJU TAL-KUSTODJU TAL-PROPRJETÀ TAL-GHADU – RENDIKONT SAL-31 TA' DIĊEMBRU, 1997 GHALL-PERIJODU MILL-1 TA' JANNAR SAL-31 TA' DIĊEMBRU, 1997

| **Diversi Kredituri tal-Għadu** | Lm | Lm |
|---|---|---|
| Awstrijaċi | 110.98,2 | |
| Ċekoslovakki | 1,376.26,6 | |
| Olandiżi | 16.97,5 | |
| Franċiżi | 198.70,1 | |
| Ġermaniżi | 3,317.59,6 | |
| Taljani | 6,385.89,8 | |
| Ġappuniżi | 482.27,4 | |
| Pollakki | 24.93,7 | |
| Jugoslavi | 73.78,0 | |
| Diversi oħrajn | 111.38,7 | 12,098.79,6 |
| **Kredituri** | | |
| Esterni mhux tal-għadu | 366.01,9 | |
| Kredituri Lokali | 1,238.05,7 | 1,604.07,6 |
| **Diversi oħrajn** | | |
| Kont ta' Krediti Kontestati | 1,009.11,4 | |
| Imgħax Miġbur fuq Djun tal-Għadu | 1.12,5 | 1,010.23,9 |
| Kont ta' Riserva (Att Nru. XXI ta' l-1963) | | 4,000.00,0 |
| Kont ta' Diversi Kredituri ta' Titoli* | | 7,964.65,7 |
| Kont ta' Diversi Kredituri ta' Artijiet** | | 7,284.00,0 |
| Diversi Kredituri Arretrati | | 4,679.16,5 |
| | | **38,640.93,3** |

| | Lm | Lm | Lm |
|---|---|---|---|
| Avvanz ta' fondi għand l-Accountant Ġenerali | | | 5.15,0 |
| Fit-Teżor | | 3,035.59,1 | |
| Fil-Mid Med Bank | | | |
| Fixed A/C No X 117698 | 10,000.00,0 | | |
| Savings A/C No 89-405-4018 | 2,000.00,0 | 12,000.00,0 | 15,035.59,1 |
| **Depożiti Bankarji** | | | |
| Bank of Valletta | | | 3,672.37,0 |
| **Kont ta' l-Artijiet **** | | | |
| Taljani | | 967.00,0 | |
| Franċiżi | | 2,750.00,0 | |
| Ġermaniżi | | 3,567.00,0 | 7,284.00,0 |
| **Diversi debituri Lokali** | | | 4,679.16,5 |
| **Kont ta' Titoli*** | | | |
| Ta' Sidien Franċiżi | | 347.99,2 | |
| Ta' Sidien Taljani | | 7,538.89,0 | |
| Oħrajn | | 77.77,5 | 7,964.65,7 |
| | | | **38,640.93,3** |

(iffirmat) Dr. Godwin Grima
Kustodju tal-Għadu

* Il-valur indikat għal Titoli huwa wieħed nominali.

** Valur kif dikjarat fir-reġistrazzjoni oriġinali ta' proprjetà minn persuni skond ordnijiet magħmulin taħt l-Ordinanza XLVIII ta' l-1939 (Ordinanza ta' l-1939 dwar il-Kummerċ ma' l-Għadu).

Niċċertifika illi eżaminajt din id-dikjarazzjoni ta' hawn aktar qabel skond ma hemm fl-"Att dwar Proprjetà tal-Għadu" u *standards* ta' verifika regolari.
Fl-opinjoni tiegħi, din id-dikjarazzjoni turi biċ-ċar il-qagħda tal-"Kustodju tal-Proprjetà tal-Għadu" għas-sena li għalqet fil-31 ta' Diċembru, 1997.

(iffirmat) John A. Bonnici
Deputat Awditur Ġenerali

10 ta' Novembru, 1998

Appendiċi B

Kont ta' George Furst (Ġermaniż)

- 90A, Triq tat-Teatru l-Antik, Valletta
- 435/4, St Paul's Building, Triq il-Punent, Valletta (sikwit reġistrat bħala 43J/4)

Kont ta' Marianna u Filomena Fauci (Taljani)

- Art tal-Inghinier, Delimara
- Art Taċ-Ċawla, Marsascala
- Art Ta' Fwieli, Ħaż-Żabbar
- Sqaq Nru. 1, Triq Biċċieni, Ħaż-Żabbar."

---

## Għanijiet u Raġunijiet

L-għan ewlieni ta' l-Abbozz hu li jillikwida l-amministrazzjoni ta' ċerta proprjetà li tinsab f'idejn il-Kustodju tal-proprjetà tal-għadu sa mit-Tieni Gwerra Dinjija.

**A BILL**
**entitled**

*AN ACT to amend the Enemy Property Act (Cap. 179).*

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

Short title.

Cap. 179.

**1.** This Act may be cited as the Enemy Property (Amendment) Act, 1998, and shall be read and construed as one with the Enemy Property Act, hereinafter referred to as "the principal Act".

Addition of new section 4 to the principal Act.

**2.** Immediately after section 3 of the principal Act, there shall be added the following new section and schedule:–

"Claims to the Board.

4. (1) Notwithstanding anything contained in the Act or in the Ordinance, a person who claims to be the owner of any property movable or immovable administered by the Custodian, shall, not later than the 31st December, 2001, submit a claim to the Custodian showing that he is the enemy on whose behalf the property is managed or a person claiming under him.

(2) There shall be a board (hereafter referred to as the Board) composed of the Custodian, who shall be chairman, and representatives of the Commissioner of Lands, the Accountant General, the Permanent Secretary at the Ministry responsible for Foreign Affairs, and the Director of

Audit, which shall examine all that is made under subsection (1) of this section and decide thereon.

(3) The decision of the Board shall be served on the claimant by a judicial act, and may be appealed by application before the Court of Appeal as if the judicial act were a judgement of the Civil Court First Hall, delivered on the date of service of the judicial act.

(4) Where the Board or the Court of Appeal, as the case may be, decide in favour of the claimant the Custodian shall be entitled to deliver the property to the claimant after deducting therefrom the fees and expenses incurred by the Custodian in the administration of the property and its handing over.

(5) The Prime Minister may by regulations establish the fees that may be payable in connection with claims before the Board.

(6) The Board shall regulate its own proceedings, it shall however ensure the claimant shall have adequate opportunity to set out his claim in writing or orally as the Board may determine.

(7) With effect from the 1st day of January, 2002, any property administered by the Custodian in respect of which no claim has been entered as aforesaid, or if such claim has been made upon its rejection, shall vest in the Government of Malta.

(8) The property to which this section refers shall be that listed in the Schedule to this Act.

(Section 4)
Appendix A

SCHEDULE

## OFFICE OF THE CUSTODIAN OF ENEMY PROPERTY-BALANCE SHEET AS ON 31ST DECEMBER, 1997
## FOR PERIOD 1ST JANUARY TO 31ST DECEMBER, 1997

| **Sandry Enemy Creditors** | **Lm** | **Lm** |
|---|---|---|
| Austrian | 110.98,2 | |
| Czechoslavakian | 1,376.26,6 | |
| Dutch | 16.97,5 | |
| French | 198.70,1 | |
| German | 3,317.59,6 | |
| Italian | 6,385.89,8 | |
| Japanese | 482.27,4 | |
| Polish | 24.93,7 | |
| Jugoslav | 73.78,0 | |
| Miscellaneous | 111.38,7 | 12,098.79,6 |
| **Creditors** | | |
| Foreign non-enemy | 366,01,9 | |
| Local Creditors | 1,238.05,7 | 1,604.07,6 |
| **Miscellaneous** | | |
| Suspense Accounts | 1,009.11,4 | |
| Interest collected on Enemy Debts | 1.12,5 | 1,010.23,9 |
| Reserve A/C (Act No. XII of 1963) | | 4,000.00,0 |
| Sundry Creditors Securities A/C* | | 7,964.65,7 |
| Sundry Creditors Landed Property A/C** | | 7,284.00,0 |
| Sundry Outstanding Creditors | | 4,679.16,5 |
| | | **38,640.93,3** |

| | **Lm** | **Lm** | **Lm** |
|---|---|---|---|
| Cash in Hand | | | 5.15,0 |
| Cash with Accountant | | | |
| General | | | |
| At Treasury | | 3,035.59,1 | |
| At Mid Med Bank | | | |
| Fixed A/C No X 117698 | 10,000.00,0 | | |
| Savings A/C No 89-405-4018 | 2,000.00,0 | 12,000.00,0 | 15,035.59,1 |
| **Bank Deposits** | | | |
| Bank of Valletta | | | 3,672.37,0 |
| **Landed Properted Account **** | | | |
| Italian | | 967.00,0 | |
| French | | 2,750.00,0 | |
| German | | 3,567.00,0 | 7,284.00,0 |
| **Sundry Local Debtors** | | | 4,679.16,5 |
| **Securities A/C*** | | | |
| French owned | | 347.99,2 | |
| Italian owned | | 7,538.89,0 | |
| Others | | 77.77,5 | 7,964.65,7 |
| | | | **38,640.93,3** |

* Value indicated for Securities is nominal.
** Value as declared in original registration of property by persons in terms of orders made under Ordinance XLVIII of 1939 (The Trading with the Enemy Ordinance, 1939).

(Signed) Dr. Godwin Grima
Custodian of Enemy Property

I certify that I have examined the above statement in accordance with the "Enemy Property Act" and regular auditing standards.
In my opinion, the statement properly presents the state of the "Custodian of Enemy Property" for the year ended 31st December, 1997.

(Signed) John A. Bonnici
Deputy Auditor General

10 November, 1998

Appendix B

George First Account (German)

- 90A, Old Theatre Street, Valletta
- 435/4 St. Paul's Building, West Street, Valletta (often recorded as 43J/4)

Marianna and Filomena Fauci account (Italian)

- Land Tal-Inghinier, Delimara
- Land Taċ-Ċawla, Marsascala
- Land Ta' Fwieli, Żabbar
- Alley 1, Biċċieni Street, Żabbar."

---

## Objects and Reasons

The object of this Bill is to wind up the administration of certian property in the hands of the Custodian of enemy property since World War II.

Ippubblikat mid-Dipartiment ta' l-Informazzjoni – 3, Pjazza Kastilja – *Published by the Department of Information – 3, Castille Place*
Mitbugħ fl-Istamperija tal-Gvern – *Printed at the Government Printing Press*
Prezz 12c – *Price 12c*